

James E. Franklin to be postmaster at Slickville, Pa. Office became Presidential July 1, 1937.

SOUTH CAROLINA

Fore J. Watson to be postmaster at Kingstree, S. C., in place of F. J. Watson. Incumbent's commission expired January 25, 1936.

TENNESSEE

Lillian Gladys Stone to be postmaster at Leoma, Tenn. Office became Presidential July 1, 1937.

TEXAS

James Curtis McKenzie to be postmaster at Alba, Tex., in place of Kenneth McKenzie, resigned.

Gleason Frank Purdue to be postmaster at Groveton, Tex., in place of Z. F. Devine, resigned.

Della Roberts Mason to be postmaster at Gulf, Tex. Office became Presidential July 1, 1937.

UTAH

Telma I. Sorrell to be postmaster at Fort Douglas, Utah., in place of N. L. Abbott. Incumbent's commission expired December 8, 1932.

Paul G. Johnson to be postmaster at Grantsville, Utah. Office became Presidential July 1, 1936.

VIRGINIA

Carrie F. Patterson to be postmaster at Greenwood, Va., in place of Harrison Waite, Jr., resigned.

WEST VIRGINIA

Mabel M. Messinger to be postmaster at Branchland, W. Va., in place of R. E. Snodgrass, removed.

WISCONSIN

Howard F. Vanda Hei to be postmaster at West De Pere, Wis., in place of J. H. Arent, deceased.

CONFIRMATIONS

Executive nominations confirmed by the Senate, January 25, (legislative day of January 5), 1938

ASSOCIATE JUSTICE OF THE SUPREME COURT

Stanley Reed to be an Associate Justice of the Supreme Court of the United States.

UNITED STATES ATTORNEY

Daniel B. Shields to be United States attorney for the district of Utah.

UNITED STATES MARSHALS

James R. Wright to be United States marshal for the northern district of Texas.

Gilbert Mecham to be United States marshal for the district of Utah.

William B. Fahy to be United States marshal for the eastern district of Missouri.

POSTMASTER

CALIFORNIA

Paul Morrison Shadel, Ramona.

HOUSE OF REPRESENTATIVES

TUESDAY, JANUARY 25, 1938

The House met at 12 o'clock noon.

Rev. Dr. Stewart P. MacLennan, D. D., minister, First Presbyterian Church, Hollywood, Calif., offered the following prayer:

Almighty and Eternal God, our Father who art in heaven, we acknowledge our dependence upon Thee. Thou hast been our dwelling place in all generations. Before the mountains were brought forth, or ever Thou hadst formed the earth and the world, even from everlasting to everlasting Thou art God.

It is by Thy grace we attain unto holiness, and it is in Thy light we find wisdom. We humbly pray that Thy grace and

light may be given unto us, so that we may come into the liberty of purity and truth. Impart unto us a deep dissatisfaction with everything that is low and mean and unworthy.

Create in us such pure desire that we may appreciate the things that Thou hast prepared for those that love Thee. Give us holy courage that we may not be daunted by any fear or turn aside from our appointed task.

Give us strength to fight the good fight of faith. Grant unto this body of men wisdom that cometh down from above that is first pure and then peaceful. Establish our great country in the strength of God; make her strong to do Thy will and to lean upon the everlasting arms of Almighty God.

Teach us to remember the promise of our God: "If my people, which are called by my name, shall humble themselves, and pray and seek my face, and turn from their wicked ways, then will I hear from heaven and will forgive their sins, and will heal their land."

This we pray in the name that is above every name, even the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO ADDRESS THE HOUSE

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent that at the conclusion of other speeches on the calendar today I may address the House for 20 minutes, and if I am not reached today, that I might have the same privilege tomorrow.

The SPEAKER. The Chair will put the first request. The Chair does not think he should put it in the alternative. The gentleman from Texas asks unanimous consent that at the conclusion of the legislative program today and the special orders heretofore made he may be permitted to address the House for 20 minutes. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. ROBERTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to include therein an address delivered by John Temple Graves at Jackson Day dinner at Richmond, Va.

The SPEAKER. Is there objection?

There was no objection.

Mr. DEMUTH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein a radio address made over station WJAS.

The SPEAKER. Is there objection?

There was no objection.

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting a personal letter from Hon. John J. Fitzgerald, a former Member of this House.

The SPEAKER. Is there objection?

There was no objection.

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to include therein an address I delivered before the Virginia-Tennessee Bar Association.

The SPEAKER. Is there objection?

There was no objection.

Mr. DREW of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to include therein a radio address delivered by my colleague the gentleman from California [Mr. LEA].

The SPEAKER. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. SCOTT. The other day we had some controversy on the floor about the method of selection of officers in the United States Navy. An agreement was worked out whereby

we might correct some of the difficulties that exist at the present time. I am today introducing a bill that I think meets the objections I raised to the present method of selection.

I ask unanimous consent to extend my remarks and to include therein two tables showing the effect on the personnel of the present method as compared with the method that I am proposing.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SCOTT. Mr. Speaker, the aim and object of this bill is to give the Navy a satisfactory system for promotion and retirement of the officer personnel, keeping in mind at all times the efficiency of the Navy.

This bill was drawn up for the benefit of the Navy and not for the benefit of any special group of officers or for the special benefit of the officers as a whole.

However, in the long run every officer who performs his duty in a creditable manner will be amply rewarded for his services while on the active list and when he is placed on the retired list.

The first consideration in drawing up the bill was the officer personnel in the various grades necessary to operate the Navy in an efficient manner, both ashore and afloat.

The bills offered to date have given consideration for the personnel rather than the needs of the Navy in that the increase in personnel comes in the grades of captain, commander, and lieutenant commander. The Navy, on the other hand, needs officers in the grades of ensign, lieutenant (junior grade), and lieutenant. The combatant ships in the fleet, in general, have a crying need for officers in the lower ranks, but have an ample number of officers of the higher ranks.

As the auxiliary service officers were discontinued several years ago, it is assumed that no officers who are restricted to duty on auxiliary ships are required or desired by the Navy.

The Navy needs no "shore duty only" line officers. When a line officer ceases to go to sea he ceases to be a naval officer.

From an inspection of the Navy Directory it will be noted that at the present time there are approximately 2,150 out of 6,500 line officers ashore. If the present system of rotation is continued when the total number of line officers reaches 7,200 there will be about 2,350 officers ashore.

While the Navy is building more ships and needs additional officers at sea, the requirements for additional officers ashore does not increase in proportion. Therefore, if we build up a large group of shore-duty-only officers, it is obvious that it would be impossible to properly rotate the officers who are capable of going to sea.

In view of the above facts I am offering a system which will give an increase in the number of officers in the lower grades without materially increasing the number of officers in the upper grades.

The second consideration was the safeguarding of the retired list. If the Navy places a large number of officers on the retired list yearly who are in the prime of life—about 43 years old—with comparatively little service and admittedly competent officers, it is obvious that the retired list will break down of its own weight.

This bill disposes of the undecided and the obviously unfit early in their career. At regular intervals a small percentage are plucked. Others are retained on active duty until they have completed 30 years' service before being placed on the retired list.

The third consideration was to improve the efficiency of the Navy by giving more security to the officer personnel.

Competent officers should not be made to feel that they have temporary employment for 21 years, when the majority of them, under the present system, will be forced to retire from the Navy. At the age of 43 they are forced to change their profession and method of making a livelihood when the family burden is greatest.

The Navy now offers neither security nor average chances of great rewards, the two economic mainsprings of a man's endeavor; consequently the morale of those officers already inexorably attached to the Navy is found to suffer as well as the officer material the Navy will attract in the future.

The fourth consideration was the elimination of the passed-over officer from active duty. Any system that plans to pass over officers and still retain these officers on active duty in any capacity, reduces the efficiency of the Navy as a whole.

If an average officer is maintained with his class in good standing, maintaining his self-respect, he will produce to the best of his ability. If you take this same officer and pass him over, he loses face, his self-respect, and his desire to carry on. It is even passed on to his wife and children. They can no longer join in wholeheartedly in all the functions of the Navy. The officers and men under his command also feel the effects of his misfortune. The officers who command him treat him in a condescending manner.

At first the officer is terribly hurt and loses his self-confidence. He hides out, trying to justify in his own mind why he was passed over and someone else was selected. Gradually he is able to face people and assumes an indifferent air, while deep in his soul he continues to suffer. He no longer has anything in common with his former comrades in the wardroom.

If we harbor these officers in our midst, we are carrying a cancerous sore which will be continually weakening the whole.

Therefore, it is proposed that we adopt a system where only the unfit are passed over and eliminated. Others are retained in their regular position until they have served for at least 24 years as commissioned officers. From that time on it is not elimination of the unfit, but the termination of an honorable career in the Navy as a commander or captain with 29 or 30 years of commissioned service.

The bill is divided into three subjects:

General law.

The system to be used.

Necessary special cases to be taken care of during the transition period. This section will eliminate itself in a few years.

This bill, unlike the legislation on this subject in the last few years which has required an annual change, will improve with age. Using this system as a basis the number of officers may readily be reduced to 6,500 or increased to 7,800 by controlling the number to be commissioned in the new classes.

In conclusion I wish to state that a detailed study of the bill will disclose the following features, which any Navy personnel bill should have:

First. Provides a sufficient number of officers in their regular order in the lower grades.

Second. Provides for the orderly promotion of a large percent of each class to the higher grades.

Third. Provides for the elimination of the present "humps" and forms no new "humps."

Fourth. Provides for the security of all competent officers until they have completed more than 24 years of honorable service.

Fifth. Provides for the minimum use of extra numbers and includes them in the total allowance.

Sixth. Provides for the minimum employment of passed-over officers.

Seventh. Prevents the list from becoming top-heavy.

Eighth. Provides for the promotion of all members of a class at the same time, giving each member the same amount of sea service with equal responsibility.

Ninth. Eliminates waiting lists.

Tenth. Provides for the elimination of the unfit, the selection of the outstanding for promotion to the top of the class, the promotion of the average naval officer by seniority.

Eleventh. Provides for standard number in each class to be permanently commissioned.

Twelfth. After the system is stabilized it will show an appreciable reduction in the cost of the retired list, the cost of the active list remaining about the same as at present.

It is my humble opinion that there are only two groups of officers in the entire Navy who will not favor my bill.

The first group consists of the small number of officers who do not study and understand thoroughly what it offers, expecting the annual change in the law before the time for their disposal arrives.

Second the self-nominated genius who feels as though he is being held back, but who in reality, if others think as highly of him as he thinks of himself, will reach the zenith of his chosen profession 2 and possibly 3 years earlier than he would under the present system.

PROPOSED

Years of commissioned service	Number of officers
1.....	420 graduate—25 to U. S. M. C.
2.....	395
3.....	386—12 discharged.
	330—35 to staff.
Ensigns.....	1,111
4.....	323
5.....	315
6.....	307
7.....	300
8.....	293
9.....	286
Lieutenants (junior grade).....	1,824—14 discharged with 2 years' pay.
10.....	265
11.....	259
12.....	253
13.....	247
14.....	241
15.....	235
16.....	229
17.....	224
18.....	219
19.....	213
Lieutenants.....	2,385—8 to 21 retire.
20.....	200
21.....	196
22.....	191
23.....	186
24.....	182
Lieutenant commanders.....	955—27 retire minus no. designated for (e. d. o.).
25.....	150
26.....	147
27.....	143
28.....	140
Commanders.....	580—46 retire.
29.....	90
30.....	88
31.....	40
32.....	39
33.....	38
Captains.....	295

PROPOSED—continued

Years of commissioned service	Number of officers
34.....	6 rear admirals.
Rear admirals.....	60
Total.....	7,210
Total retired.....	157
Honorably discharged.....	28
Total.....	185
PRESENT	
1.....	420 graduate—25 to U. S. M. C.
2.....	395
3.....	386
	350—18 to staff.
Ensigns.....	1,140
4.....	345
5.....	338
6.....	331
7.....	323
Lieutenants (junior grade).....	1,337
8.....	316
9.....	311
10.....	305
11.....	299
12.....	294
13.....	289
14.....	284
Lieutenants.....	1,993
Passed over lieutenants (junior grade).....	105
Lieutenants and passed over lieutenants (junior grade).....	2,098—5 lieutenants (junior grade) retired.
15.....	Lt. C. 154-278-124 Lt. (p. o.)
16.....	151-272-121
17.....	148-266-118
18.....	145-260-115
19.....	142-254-112
20.....	139-248-109
21.....	136-242-106
Passed over lieutenants.....	805
Lieutenant commanders.....	1,015
Lieutenant commanders and passed over lieutenants.....	1,820—158 lieutenants and lieutenant commanders retire minus no. designated for (e. d. o.).
22.....	79
23.....	78
24.....	76
25.....	73
26.....	72
27.....	69
28.....	68
Commanders.....	515—31 retire.
29.....	36
30.....	35
31.....	35
32.....	34
33.....	34
34.....	33
35.....	33
Captains.....	240—27 retire.
36.....	6 rear admirals.
Rear admirals.....	60
Total.....	7,210
Total retired.....	221

From the above comparison it can be readily seen that the present system loads up the retired list with comparatively young men while the proposed system retires fewer members of a class and at a much advanced age. If you plot the above figures in the form of pyramids it is more impressive, especially if you color the retired part. The proposed system employs a class on active duty more than 600 additional man-years. It saves more than 1½ million dollars yearly on the retired list.

A forecast of the effect on Navy personnel of the Scott selection bill

	Extra numbers	Number gradu- ated per class	Class	Number on July 1, 1937	Class	Number on July 1, 1938	Class	Number on July 1, 1939	Class	Number on July 1, 1940	Class	Number on July 1, 1941	Class	Number on July 1, 1942	Class	Number on July 1, 1943	Class	Number on July 1, 1944	Class	Number on July 1, 1945	Class	Number on July 1, 1946	Class	Number on July 1, 1947	Class	Number on July 1, 1948	Class	Number on July 1, 1949	Class	Number on July 1, 1950	Class	Number on July 1, 1951	Class	Number on July 1, 1952	Class	Number on July 1, 1953	Class	Number on July 1, 1954	Class	Number on July 1, 1955										
Admirals.....	6			58		63		64		64		60		60		60		60		60		60		60		60		60		60		60		60		60		60		60		60								
Captains.....	49	'03	14	'04	28	'05	27	'06	28	'07	28	'08	26	'09	28	'10	28	'11	38	'12	38	'13	29	'14	38	'15	37	'16	38	'17	38	'18	33	'19	38	'20	38	'21	38	'22	38	'23	38	'24	38	'25	38			
	61	'04	10	'05	28	'06	29	'07	49	'08	34	'09	36	'10	37	'11	39	'12	38	'13	30	'14	39	'15	38	'16	39	'17	39	'18	39	'19	39	'20	39	'21	39	'22	39	'23	39	'24	39	'25	39					
	113	'05	35	'06	36	'07	62	'08	34	'09	36	'10	37	'11	39	'12	38	'13	30	'14	39	'15	38	'16	39	'17	39	'18	39	'19	39	'20	39	'21	39	'22	39	'23	39	'24	39	'25	39							
	115	'06	37	'07	64	'08	35	'09	37	'10	38	'11	39	'12	38	'13	30	'14	39	'15	38	'16	39	'17	39	'18	39	'19	39	'20	39	'21	39	'22	39	'23	39	'24	39	'25	39									
	208	'07	66	'08	36	'09	38	'10	39	'11	40	'12	40	'13	40	'14	40	'15	40	'16	40	'17	40	'18	40	'19	40	'20	40	'21	40	'22	40	'23	40	'24	40	'25	40											
	200	'08	37	'09	39	'10	40	'11	53	'12	56	'13	52	'14	55	'15	59	'16	60	'17	60	'18	60	'19	60	'20	60	'21	60	'22	60	'23	60	'24	60	'25	60													
	173	'09	40	'10	41	'11	55	'12	57	'13	57	'14	55	'15	59	'16	60	'17	60	'18	60	'19	60	'20	60	'21	60	'22	60	'23	60	'24	60	'25	60															
Number of captains retired.....				13 fr. '03		9 fr. '04		26 fr. '05		28 fr. '06		47 fr. '07		30 fr. '08		31 fr. '09		31 fr. '10		22 fr. '11		31 fr. '12		22 fr. '13		31 fr. '14		30 fr. '15		31 fr. '16		31 fr. '17		31 fr. '18		31 fr. '19		31 fr. '20		31 fr. '21		31 fr. '22		31 fr. '23		31 fr. '24		31 fr. '25		
Number of captains in grade.....				239		237		286		297		278		231		204		219		235		237		266		300		300		300		300		300		300		300		300		300		300		300		300		
Commanders.....	130	'10	43	'11	59	'12	59	'13	34	'14	58	'15	42	'16	60	'17	59	'18	60	'19	60	'20	67	'21	64	'22	143	'23	51	'24	58	'25	53	'26	50	'27	52	'28	62	'29	58	'30	56	'31	56	'32	52	'33	52	
	193	'11	60	'12	60	'13	60	'14	59	'15	43	'16	62	'17	61	'18	69	'19	68	'20	145	'21	154	'22	149	'23	146	'24	159	'25	156	'26	154	'27	154	'28	156	'29	156	'30	160	'31	180	'32	186	'33	180	'34	180	
	138	'12	61	'13	36	'14	65	'15	44	'16	60	'17	63	'18	71	'19	62	'20	145	'21	154	'22	149	'23	146	'24	159	'25	156	'26	154	'27	154	'28	156	'29	156	'30	160	'31	180	'32	186	'33	180	'34	180			
	153	'14	62	'15	46	'16	65	'17	64	'18	72	'19	70	'20	148	'21	157	'22	155	'23	152	'24	167	'25	164	'26	162	'27	162	'28	162	'29	162	'30	162	'31	162	'32	162	'33	162	'34	162	'35	162	'36	162			
	178	'15	47	'16	63	'17	74	'18	73	'19	73	'20	150	'21	149	'22	148	'23	148	'24	147	'25	148	'26	148	'27	148	'28	148	'29	148	'30	148	'31	148	'32	148	'33	148	'34	148	'35	148	'36	148	'37	148			
	176	'16	64	'17	66	'18	75	'19	74	'20	151	'21	150	'22	149	'23	148	'24	147	'25	148	'26	148	'27	148	'28	148	'29	148	'30	148	'31	148	'32	148	'33	148	'34	148	'35	148	'36	148	'37	148	'38	148			
	181	'17	60	'18	70	'19	73	'20	152	'21	151	'22	150	'23	149	'24	148	'25	148	'26	148	'27	148	'28	148	'29	148	'30	148	'31	148	'32	148	'33	148	'34	148	'35	148	'36	148	'37	148	'38	148	'39	148			
Number of commanders retired.....				2		2		2		2		2		2		2		2		2		2		2		2		2		2		2		2		2		2		2		2		2		2		2		
Number of commanders in grade.....				434		479		498		432		411		507		460		559		492		609		647		677		677		681		681		681		681		681		681		681		681		681		681		
Lieutenant commanders.....	2	181	'17	36	'18	44	'19	43	'20	43	'21	43	'22	43	'23	43	'24	43	'25	43	'26	43	'27	43	'28	43	'29	43	'30	43	'31	43	'32	43	'33	43	'34	43	'35	43	'36	43	'37	43	'38	43	'39	43	'40	43
	4	198	'18	119	'19	105	'20	105	'21	105	'22	105	'23	105	'24	105	'25	105	'26	105	'27	105	'28	105	'29	105	'30	105	'31	105	'32	105	'33	105	'34	105	'35	105	'36	105	'37	105	'38	105	'39	105	'40	105		
	1	198	'19	106	'20	106	'21	106	'22	106	'23	106	'24	106	'25	106	'26	106	'27	106	'28	106	'29	106	'30	106	'31	106	'32	106	'33	106	'34	106	'35	106	'36	106	'37	106	'38	106	'39	106	'40	106				
	6																																																	
	5	459	'20	171	'21	204	'22	202	'23	198	'24	198	'25	198	'26	198	'27	198	'28	198	'29	198	'30	198	'31	198	'32	198	'33	198	'34	198	'35	198	'36	198	'37	198	'38	198	'39	198	'40	198						
	3	544	'21	208	'22	200	'23	198	'24	198	'25	198	'26	198	'27	198	'28	198	'29	198	'30	198	'31	198	'32	198	'33	198	'34	198	'35	198	'36	198	'37	198	'38	198	'39	198	'40	198								
	3																																																	

NOTE.—"Fr." contraction of "from." R=Non-Academy lieutenant commanders. X=Passed over lieutenants, 1919-23, non-Academy. NOTE.—There are 100 extra numbers on July 1, 1937, not included in total officers. Stabilizes at 1824 lieutenants (junior grade). Extra numbers have been included in order that a true picture of the situation may be given. Bureau of Navigation attrition tables used. Total will stabilize at 7220. Stabilized yearly retirements, 163. Discharges of lieutenants (junior grade), 14. Average yearly retirements during this period, 140.

HENRY WADSWORTH LONGFELLOW

Mr. OLIVER. Mr. Speaker, February 27 is the one hundred and thirty-first anniversary of the birth of the great poet, Henry Wadsworth Longfellow. In this connection I ask unanimous consent to extend my remarks and to include therein a proclamation recently issued by the city of Portland, as well as a résumé of the activities that took place on the last anniversary, and including also the poem entitled "My Lost Youth."

The SPEAKER. Is there objection?

There was no objection.

THE PRESIDENT'S BIRTHDAY

Mr. MEAD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. MEAD. Mr. Speaker, on Saturday of this week the President's birthday celebrations will be held throughout the Nation. Of course, everyone knows the purpose of the celebrations, which is to raise a fund to combat the dread scourge of infantile paralysis. In that connection I ask unanimous consent to include in my remarks a statement made by Mr. William Green, indicating the part which labor will take in that celebration; also an article on the dread disease by Janet Mable, as well as a brief statement as to the part taken by the postal employees in furthering the worthy cause in the past.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

The matter referred to is as follows:

"Labor is going to break all previous records this year in its participation of the President's birthday celebration," said President William Green, of the A. F. of L., today, reporting on labor's participation.

"We have organized a labor division of the national committee, representative of organized labor throughout the country, and practically all of our international unions are participating actively. This brings a force of 4,000,000 American workers into energetic support of the war against infantile paralysis, which is the purpose of the celebration of the President's birthday.

"Again I have called upon two faithful officials, who have shouldered the burden of similar celebrations in past years, and they have volunteered to give freely of their time and effort. They are Matthew Woll and Gilbert E. Hyatt. Mr. Woll, who is a vice president of the A. F. of L., is secretary-treasurer. Mr. Hyatt, who is editor and legislative representative of the National Federation of Post Office Clerks, is executive secretary. They are doing splendid work, as they have done in the past.

"Through our international unions and through our directly affiliated Federal and local unions, we are rolling up a great birthday greeting to the President. Indications are it will contain thousands of names, each signer contributing to the war against infantile paralysis. Then, too, our city central bodies throughout the country are either cooperating with local committees in the holding of birthday parties or they are holding parties of their own in support of the same splendid cause for the future protection of our children.

"I am gratified at the response from labor everywhere in this magnificent undertaking."

[From Scribners Magazine for July-December 1936]

(By Janet Mable)

We think of infantile paralysis as a strictly modern disease. On the contrary, it is a strictly ancient disease. It appeared in the case notes of Hippocrates. Sir Walter Scott was lame all his life from a paralysis suffered in the right leg when he was a baby. No treatment ever completely dissipated the paralysis, but he brought to bear on himself what he described as "the fine impatience of childhood," with such success that the infirmity didn't blight his life.

It isn't possible to make a geographic prophecy about infantile paralysis. In 1934 it struck hardest in California; in 1935 in North Carolina and Alaska. We never know where it is going to strike next. But if, as, and when the public is justified in feeling that, giving proper treatment time to do so, it can and will do away with the majority of possible deformities, increasing fine recoveries will be made. More people will be enabled to catch up and hold their own with their fellow men in active and useful fields. And almost no victim of the disease need become a public charge.

Though the origin and some aspects of the nature of the disease will continue to be classed as one of the major mysteries of medicine until the germ is isolated and its specific behavior analyzed, this does not mean at all that physicians are in the dark about

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what to do to repair a considerable part of the damage that can be done by it. The fight for complete knowledge and control of poliomyelitis has taken on a national character. * * *

For the practical knowledge of the layman, infantile paralysis can be simply defined. It is an infection which strikes at the motor nerves of the spinal cord. Since it is these nerves which transmit impulses of movement from the brain to the muscles, any inflammation which injures or destroys them weakens or completely paralyzes the connecting muscles, which become useless.

The disease fastens on more children than adults. But maturity is no guaranty of immunity. The disease can be caught by one person from another as measles and scarlet fever can be caught. Many people, however, must be naturally immune, as they are to other infections, because it has often been found that only one individual out of several presumed to have been exposed in common will have caught the disease.

Observation and exhaustive records have revealed a general space and time association between cases; but though diagnosticians often literally fly at all hours of the day and night at the call of local physicians, it has been the exception rather than the rule to be able to connect absolute exposure and an onset with a previous case, and an even more elusive matter to relate groups of cases to a common source of infection.

Speaking of Mr. Roosevelt, there is no better proof that fine recoveries can be made and the individual returned to useful work in the world. As a document of sheer human interest, it is a telling item with which to inspire the attitude of mind desirable in the public with respect to infantile paralysis.

In itself, infantile paralysis is a short-term disease. A week or two of sickness, 3 weeks of quarantine, a convalescence of a few weeks more, and the disease itself is over and done with, leaving a greater or lesser amount of mechanical wreckage in its wake.

What is needed is a wide public cultivation of an informed and unhysterical point of view based on well-substantiated findings.

Mr. MEAD. As chairman of the Post Office and Post Roads Committee of this body, I take a warranted pride in the fact that one of the postal groups, the National Federation of Post Office Clerks, has led the entire field of organized labor in contributions to this splendid cause. The postal employees have also been recognized by the fact that the legislative representative of the N. F. P. O. C. has been the executive secretary of the labor division of the President's birthday celebration for several years.

RELIGIOUS RIGHTS OF JEWS IN RUMANIA

Mr. FISH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks and to have the Clerk read a resolution which I have sent to the desk.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interest, to inform the House of Representatives—

(1) What facts, if any, are in possession of the State Department showing that the economic, civil, or religious rights of the Jews in Rumania have been seriously impaired or denied;

(2) What information, if any, is in possession of the State Department that proscriptive edicts have been issued or recently enforced against the Jews in Rumania;

(3) Whether the Department of State is in possession of any facts that establish a Rumanian policy of repression and persecution of the Jews of such character as to have caused the Department to take action looking to amelioration or reversal of such policy;

(4) Whether the Department has been advised that the Jews of Rumania have been ordered to leave that country; and

(5) If the Department of State is in possession of the facts or information before mentioned, has the Department taken any action, and if so, the form thereof, protesting against such repression and persecution of Jews in and their banishment from Rumania.

Mr. FISH. Mr. Speaker, I trust that the President or Secretary Hull will comply with my request and furnish the House with the information asked for in the above resolution. It is difficult to ascertain the facts from reading the reports in the newspapers. If the Congress is to consider any resolution of protest against the racial persecution of minorities in Rumania it should have all the available facts before it. We are familiar with the situation in Germany, where the Jewish people were outlawed and declassed; but in Germany there were only 600,000 Jews to a population of 60,000,000 Germans. It is claimed that there are one

million or possibly a million and a half Jews in Rumania out of a population of 19,000,000 in that country.

The alleged inhuman and brutal treatment of the Jews in Rumania has shocked the American people. They are opposed to all forms of racial and religious persecution in the interest of humanity, justice, and world peace. I am anxious to find out whether the Rumanian policies of repression and persecution of the Jews are "so enormous as to impart to them an international character in redress of which all countries, governments, and creeds are alike interested." These are the identical words used by my grandfather Hamilton Fish in 1872, when, as Secretary of State in the Grant administration, he protested the outrages and intolerance practiced against the Jews by the Rumanian Government at that time.

In view of the recent newspaper reports it appears that the property of Rumanian Jews will be confiscated and they will be practically driven out of that country. In view of this tragic development which is the most inhuman governmental act that has occurred in our day and generation—it is an example of man's inhumanity to man at its worst—the Congress should, after it gets all the facts, seriously consider asking the President to make an appropriate protest and urge that the civic and economic rights of the Jews in Rumania be protected and that racial and religious persecution be stopped.

THE LATE STEPHEN BRUNDIDGE, JR.

Mr. DRIVER. Mr. Speaker, I take this opportunity to announce to the House the death of a former distinguished Member of this body. Hon. Stephen Brundidge, Jr., ably represented the Second Congressional District of Arkansas for 12 years, and at the time he voluntarily retired from service was a member of the Committee on Appropriations of the House of Representatives. Prior to his service in this body he efficiently served in the capacity of prosecuting attorney of the first judicial district of his State.

Stephen Brundidge was a conservative in thought. He was progressive. He loved the institutions of his country and cherished the ideals of its citizens, and he brought to play without stint his splendid mental faculties in order to further and perpetuate those institutions and to make secure the ideals of its people.

Nature was generous to my friend. He lived to the ripe age of 81 years. He resumed the practice of his profession when he retired from the public service, but at all times gave to his State and his community the benefit of his sound counsel and advice and furthered the cause of good citizenship in every possible way.

I expect he will be remembered in his home State for the formulation and enactment into law of what is regarded as an ideal primary election law. In a State of the one-party system the primary election is all important, and the electors who participate in this method of selecting their officials have found this law to be most satisfactory, and it remains on the statute books without impairment.

There are but few Members of this body who served with Steve Brundidge when he retired in 1909, but I dare say those who had contacts with this splendid citizen of my State cherish a recollection of the good qualities of that most able and devoted representative of the people. In his death Arkansas lost a distinguished citizen and the Nation a patriotic son.

EXTENSION OF REMARKS

Mr. HAVENNER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include a brief biography of the late Andrew Furuseth.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ITEM VETO

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, yesterday the gentleman from Virginia [Mr. WOODRUM], in closing his extended argument, defended his resolution before the House by saying this:

The Congress has 60 days within which to take action if it desires to do so.

That is not in the Woodrum resolution.

He further said:

Thirty-nine States have given their Governors this power.

This is not true in any State. Not a State in the Union has anything but the veto power, where a Governor can veto before he signs a bill, not the power contained in the Woodrum resolution to eliminate items after signing.

The gentleman said we voted this specific power to President Hoover. This is entirely inaccurate. The Hoover resolution provides an absolute way in which Congress can override a veto item.

Mr. WOODRUM further says:

This is not an item veto.

Yet he says this is the same as the Hoover resolution.

I solicit the gentleman from Virginia to read his own resolution.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. BINDERUP. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

MEETING OF THE COMMITTEE OF THE JUDICIARY

Mr. RAMSAY. Mr. Speaker, by authority of the Committee on the Judiciary, I ask unanimous consent that that committee may sit during the session of the House today.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

CALL OF THE HOUSE

The SPEAKER. Pursuant to the special order heretofore made by the House, the Chair recognizes the gentleman from Maryland [Mr. KENNEDY].

Mr. MARTIN of Massachusetts. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. MARTIN of Massachusetts. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that a quorum is not present. The Chair will count. [After counting.] Evidently there is not a quorum present.

Mr. KENNEDY of Maryland. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 9]

Amle	Dingell	Johnson, L. B.	Sabath
Bates	Disney	Keller	Sadowski
Bell	Ditter	Kelly, N. Y.	Scrugham
Biermann	Drewry, Va.	Kniffin	Sirovich
Brewster	Evans	Knutson	Smith, Maine
Brooks	Ferguson	Lesinski	Smith, Okla.
Buckley, N. Y.	Flaherty	Lewis, Md.	Smith, Wash.
Bulwinkle	Ford, Calif.	McFarlane	Somers, N. Y.
Carter	Frey, Pa.	Mitchell, Ill.	Taylor, Colo.
Celler	Fulmer	Mouton	Terry
Chandler	Gamble, N. Y.	Norton	Tinkham
Citron	Gasque	O'Brien, Mich.	Tobey
Cole, Md.	Harrington	O'Connell, Mont.	Transue
Cooley	Hart	O'Connor, Mont.	Vinson, Fred M.
Crosby	Holmes	Peterson, Fla.	Wene
Crowe	Houston	Peterson, Ga.	Whelchel
Deen	Imhoff	Phillips	White, Idaho
Delaney	Izac	Rankin	Wood
Dempsey	Jarrett	Rich	

The SPEAKER. On this roll call 354 Members have answered to their names, a quorum.

Mr. KENNEDY of Maryland. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

BOARD OF VISITORS, UNITED STATES NAVAL ACADEMY

The SPEAKER. Pursuant to the provisions of title 34, section 1081, United States Code, the Chair appoints as members of the Board of Visitors to the United States Naval Academy the following Members of the House of Representatives: Mr. CULLEN, New York; Mr. WALTER, Pennsylvania; Mr. HAMILTON, Virginia; Mr. CROWTHER, New York; Mr. REECE, Tennessee.

OMNIBUS PRIVATE CLAIMS BILL

Mr. KENNEDY of Maryland. Mr. Speaker, pursuant to the special order of the House heretofore made, I call up the bill (H. R. 7199) for the relief of sundry claimants, and for other purposes.

The Clerk read the title of the bill.

NICK GRUYICH

The Clerk read as follows:

Title I—(H. R. 520. For the relief of Nick Gruyich.) By Mr. MEAD

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nick Gruyich, of Lackawanna, Erie County, N. Y., the sum of \$1,000, in full satisfaction of his claim against the United States for the loss of a bond in that amount to secure the appearance of an alien, one Dusan Petrovich, which bond was declared breached and forfeited by the Department of Labor, although the said alien was in fact delivered at Buffalo, N. Y., on June 21, 1929, in accordance with its terms, by the said Nick Gruyich: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. HANCOCK of New York. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK of New York: Beginning on page 1, strike out all of title I.

Mr. HANCOCK of New York. Mr. Speaker, title I is an attempt to recover \$1,000 which was deposited as security for a forfeited bail bond in a deportation case. The facts as revealed by the report are as follows: In the summer of 1928 a gentleman living in Yugoslavia named Petrovich decided to come to America, leaving a wife and child behind. He did not follow the usual route, but took a rather circuitous journey and eventually found himself on the Niagara River at a point several miles north of Buffalo. He entered the country in a rowboat at a place that was safely remote from any customs or immigration authorities. The reason he took this unusual mode of travel was because he had no visa which permitted him to enter the United States. Within 4 or 5 months the immigration officials apprehended him. He was given a hearing and released in \$1,000 bail furnished by the United States Fidelity & Guaranty Co. of Baltimore.

As is usual in such cases, the surety company indemnified itself by requiring a deposit of \$1,000. The security was supplied by a gentleman named Gruyich, who was no party to the transaction between the immigration authorities at Buffalo and the surety company. He was a complete stranger to the Government. His dealings were with the surety company alone.

The report of the hearing was sent to Washington and Mr. Petrovich was ordered deported. On May 2 the authorities in Buffalo notified the surety company to produce Mr. Petrovich at a certain time and place on May 14 for deportation. The alien failed to make an appearance, whereupon the Commissioner of Immigration in Washington was notified and the bond was declared forfeited.

A few days later somebody representing the alien applied to the Chief of the Immigration Service in Buffalo for 6 months' extension, claiming that if he could remain in this country for 6 months he could make some money and pay some debts. That application was denied, and notice of the decision was given to the representatives of this alien on June 21. Several things happened on June 21. His application for an extension was denied, and he voluntarily surrendered to custody. The reason for this becomes apparent when the next step is known, that his attorney immediately served a writ of habeas corpus on the immigration chief at Buffalo. Obviously, if he hoped to escape custody by writ of habeas corpus he would have to be placed in custody first.

It seems that the attorney for this man Petrovich had discovered what he regarded as a fatal defect in the order of deportation, and he thought he could secure the man's release on a writ of habeas corpus on the ground that the order of deportation was signed by the Assistant Secretary of Labor instead of the Secretary of Labor himself.

Gruyich seeks to recover his \$1,000 because the Government failed to notify him to produce the alien on May 14. There was no duty resting on the Federal agents to do so since Gruyich was not a party to the bail bond and the Government had no knowledge of his interest. If the surety company was at fault in this regard, Gruyich has his remedy against the company.

His attorney claims in a letter to the gentleman from New York [Mr. MEAD], which the latter quoted in a letter to the Claims Committee, that the forfeiture would be rescinded if the alien Petrovich surrendered. The only evidence of this is the unsupported, self-serving declaration of a lawyer whose name is undisclosed. Evidently the gentleman from New York has mistaken the statements of the unknown lawyer for the words of the United States judge who handled the case.

Both the claim of Gruyich and that of his lawyer are negated by the fact that an action was commenced to recover the forfeiture and dismissed by consent.

The habeas corpus proceeding was likewise dismissed, and Petrovich was eventually deported.

There can be no dispute that the alien's entry was illegal, and deliberately so. It is also apparent that he made every possible effort to escape deportation, and it is a fair inference that he would not have surrendered after being released on bail if he had not thought he could escape through habeas corpus.

This matter has cost the Government a considerable sum of money in deportation proceedings and in defending two lawsuits. The claim is utterly without merit, and title I should be stricken from the bill.

In handling the Gruyich case the immigration officials in the Buffalo office did their full duty. They enforced the law as we expect them to do it, and their actions are entitled to our support.

[Here the gavel fell.]

Mr. HANCOCK of New York. Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

The SPEAKER pro tempore (Mr. WOODRUM). That cannot be done under the rules.

Mr. MEAD. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, this is the case of a party who put up \$1,000 of his own money that is now resting in the Treasury of the United States. The purpose for which he provided the money was to insure the presence of an alien when he was notified to present him. The alien has been presented, the case has been tried, and the alien is now back in his fatherland.

The difficulty arises from the fact that the United States immigration officer at Buffalo notified the surety company and failed to notify the individual who put up the money; and the surety company, in turn, failed to notify him.

Mr. HANCOCK of New York. Mr. Speaker, will the gentleman yield?

Mr. MEAD. As soon as I have finished my statement.

Regardless of the opposition to the payment of this just claim, regardless of the argument advanced by my distinguished colleague from New York, and regardless of the attitude of the Department of Labor up until that time, this is an essential point that we must have in our minds before we can vote on the merits of this proposal.

At this juncture of the proceedings, when the Department could not deliver the alien for deportation, the official representatives of the Government called on this man, Mr. Gruyich, and arranged with him, with the sanction of the Secretary of the Department, that if he presented the alien on that date he would be given back his money. On that day the alien was presented; and when on that day an attorney for the alien appealed to the United States Federal judge in a habeas corpus proceeding the alien was again released on bond.

The entire case was presented to the judge, the Honorable John R. Hazel, who said that he resented the Department's activity in acting contrary to the jurisdiction of the court in this case. In other words, he said that—

This court has the right to review cases of that kind and to grant the plea of the applicant who sought under a habeas corpus proceeding the release of his client.

He further said—and this is in the record—

The Government cannot have the man and the money, too.

He intimated that, while he did not have jurisdiction to review the case, because of the good intention and the honesty of the man who put up the money, that the man should have his money back, and the Government of the United States should not profit at the expense of its poor who as patriotic citizens were discharging their obligations.

Mr. Speaker, the comment of the judge is in the record in a letter which I sent to the Department of Labor dated November 15, 1930. It indicates that the judge, in reviewing the facts in this case, believed the claimant should have his money back. The Government has lost nothing. The money belongs to an individual. The alien has been deported. It does not make any difference what nationality the poor fellow may be, or from what country he came, or whether he came in a rowboat or a luxurious liner. That has nothing to do with this case. We do not wish to create a sentiment by which an individual might be denied his just right. We are interested in the facts; and the facts, in my judgment, indicate this man ought to have his money back. The Government has its man.

[Here the gavel fell.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. HANCOCK].

The question was taken; and on a division (demanded by Mr. KENNEDY of Maryland) there were—ayes 33, noes 60.

So the amendment was rejected.

Mr. KENNEDY of Maryland. I offer a committee amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. KENNEDY of Maryland: Page 1, line 7, after the word "to", insert "estate of"; and amend the title to read: "For relief of the estate of Nick Gruyich."

Mr. KENNEDY of Maryland. Mr. Speaker, this is merely a perfecting amendment, and I move its adoption.

The amendment was agreed to.

RELIEF OF JOSEPH PETHERSKY

The Clerk read as follows:

Title II—(H. R. 734. For the relief of Joseph Pethersky, of Port Deposit, Md.) By Mr. GOLDSBOROUGH

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph Pethersky, of Port Deposit, the sum of \$360 in full satisfaction for his claim against the United States Government for loss of 9 months' rent at \$40 per month, from October 12, 1933, when a marine truck destroyed his building, to

July 24, 1934, the date of the receipt of a check for \$623.02 from the Navy Department in payment for loss to his building.

With the following committee amendment:

Page 2, line 21, after the word "Deposit", insert "Maryland."

Page 3, after line 2, insert a colon and the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

Amend the title so as to read: "A bill for the relief of Joseph Pethersky."

Mr. RAMSPECK. Mr. Speaker, I rise in support of the committee amendment.

Mr. Speaker, I want to explain to the Members of the House who may not have been here when we adopted the present procedure on private claims bills just how these bills which we are now considering are handled.

In the first place, each one of these bills originally came here on the other private calendar, where two objections without any discussion whatsoever, recommit them to the Committee on Claims for further consideration. When these bills go back to the Committee on Claims we have a special subcommittee headed by the gentleman from Maryland [Mr. KENNEDY] as chairman, which very carefully considers each one of these claims.

We throw out a great many of the claims on this reconsideration where the objectors have made out a case.

The gentleman from Maryland is to be commended on the policy which he has adopted with reference to the consideration of these claims. When the subcommittee meets, the objectors are invited to come and present to the committee their reasons for objecting in the first instance. A record is made of those statements as well as statements in support of the bill by the author, after which time the subcommittee holds a second meeting and very carefully considers all of the facts, including the objections made by the official objectors.

Mr. Speaker, I have no criticism to offer of the official objectors. They are doing a job to which they are assigned, one which is very onerous and which none of us would seek. I think they are conscientious. But I want Members of the House to understand that these bills have had not only the consideration of the whole Committee on Claims in the first instance but have been reconsidered in light of the objections made, then put back on the calendar under this proceeding after reconsideration and adoption by the special subcommittee. They are then presented to the full Committee on Claims for its approval. I therefore hope the Members of the House may be disposed, unless some good reason appeals to your judgment, to back up the committee in this job which we are doing to give justice to our citizens who have valid and meritorious claims against the Federal Government.

Mr. KENNEDY of Maryland. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Maryland.

Mr. KENNEDY of Maryland. Will the gentleman explain the procedure under which we are operating? In other words, under this rule there can only be two motions entertained, one to strike out the entire paragraph, which kills the bill, and the other a motion or amendment altering the amount. Very often there is confusion when a motion to strike out the entire paragraph is offered. A great many Members vote "aye," thinking they are voting with the committee. As a matter of fact, a vote of "no" is a proper vote for the committee. That confusion existed a moment ago.

Mr. RAMSPECK. The gentleman is correct. This procedure was adopted after years of study in an effort to give a real chance on the merits of these claims which our various constituents have against the Federal Government. From my 8 years' experience on the Claims Committee, I say very frankly that many, many times our citizens are denied their rights simply because we have not the time to go into these

matters thoroughly. We cannot take the time on the floor for full discussion.

I therefore urge the membership, unless they are thoroughly convinced to the contrary, to back up the committee.

Mr. McCORMACK. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Is it not fair to argue that the report of the committee carries with it a prima facie case in favor of the bill?

Mr. RAMSPECK. I think that is true. Under the splendid leadership of the gentleman from Maryland, the committee has given due consideration to these questions, and we are not being swayed and should not be by personal considerations or anything of that sort.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Speaker, I rise in opposition to the committee amendment.

Mr. Speaker, there was a time when I gave a great deal of consideration to the Private Calendar. Many nights I worked until 1 or 2 o'clock in the morning. I briefed claims I thought should be defeated, and placed the statements in the Record just prior to the consideration of the bills. That proved to be too much for me and it was necessary that I discontinue. I have not lost interest in private claims, nor in the rule under which we are operating today. As I have stated on several occasions, in my opinion, it is a bad rule and should be changed.

I commend the Committee on Claims for the work it has been doing. I realize the task before them, with hundreds of Members appealing in behalf of constituents to report claim bills. However, I believe the outstanding service the Committee on Claims could render would be to prepare legislation which would set up in this Government some kind of a tribunal where claims against the Government could be submitted on affidavits, if necessary. This would take this job off the shoulders of Members of Congress, who now are working longer hours than some people realize.

Under our form of government, it must be remembered, provisions are made whereby claims, either for personal injury or property damage, can be taken to our courts for adjustment. This, however, is confined to suits against citizens, partnerships, or corporations, but what do we do when the Government is responsible? As we all know, the Government cannot be sued without its consent. In recent years thousands of Government automobiles and trucks are on the streets of our cities and on the highways. There is hardly a day that an accident does not occur. We have provided in some instances where claims can be settled by a Government department, but there is a limitation as to the amount that can be recovered. Generally speaking, that amount is limited to \$500. If the department decides the Government is not at fault, the only appeal is to the Congress, through you gentlemen on the Committee on Claims. If you do not want a court, set up a division in the General Accounting Office that now passes on certain claims, especially those growing out of Government contracts. I would make provisions to eliminate some claims—those commonly referred to as ancient claims. There is no reason why cases already passed on by the Court of Claims should be considered, as well as other classes of claims which my time will not permit me to enumerate, but which have had their day in court.

We have had several bills considered in the House setting up such a procedure but we never did succeed in getting any of the bills enacted. One I recall passed the House but not the Senate.

I have taken the position that when cases have been sent to the Court of Claims by the Congress, or when war claims have been considered under the old Dent Act and later been heard by the General Accounting Office and the Court of Claims, and it has been decided the Government does not owe the money sought, should be defeated. In this bill today we have claims which you are not sending to the Court of Claims but for which you appropriate money di-

rectly out of the Treasury and in one case the Court of Claims has stated we do not owe the money. In this instance the Court decided the claimant owed the Government instead of the Government owing the claimant. Still the bill provides for an appropriation of \$129,000. I am opposed to that bill.

We have no time to discuss the cases as they should be discussed, especially claims involving large amounts of money, or one setting up a dangerous policy, so I repeat what I said a moment ago. I believe the outstanding service the Committee on Claims can render, a difficult task, I admit, would be to work out a bill which would set up some kind of an organization or a court to consider the cases and give every citizen an opportunity to be heard, either by attorney or by affidavit, and thus take this job off the shoulders of Members of Congress, who, regardless of what some critics might say, have enough to do without considering matters of this character.

Mr. KENNEDY of Maryland. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from Maryland, the chairman of the Committee on Claims, with whom I always sympathize.

Mr. KENNEDY of Maryland. I realize the gentleman very often tries to save money for the Government, but we have some evidence of what would happen under the gentleman's plan. For instance, the Committee on Claims in practically every instance will allow only \$5,000 on a death claim. In several instances we have given jurisdiction to a court to hear and determine claims on the facts as presented to the court. In every instance the amount the Government has been required to pay has been from two to three times the amount that would have been allowed by this committee. Therefore, it would cost the Government, under the gentleman's plan, a great deal more money than it does under the present plan.

I may say to the gentleman these claims are gone into very carefully. This committee does try to do as conscientious a job as it knows how. I believe under the present rule, and as the committee is now constituted, these claims are being handled in a manner that is satisfactory not only to the Government but to the people who have claims against the Government. I am certain the gentleman will find, if he will look into the jurisdictional bills which have been passed by the House, a larger amount of money has been awarded in each case than the committee would have allowed.

Mr. COCHRAN. I commend the gentleman from Maryland for the work he has been doing. I may say frankly that before I would accept his job as chairman of the Committee on Claims I would resign from the Congress. I know very well what he is up against.

The objection to my suggestion by the gentleman from Maryland can easily be overcome by the Congress placing a limitation on certain class of claims.

Now let us take the bill before us today. Millions of dollars in bonds have been forfeited to the Government because of the failure of the surety to deliver the one bonded either to a court or a Government department. Thousands of cases are involved. The President has vetoed many bills of this character, still the House passes such a bill today. The amount, I admit, is small, but it opens the way to others. I recall the time when the committee would not report such a bill. Then again in title III you confer jurisdiction on the Court of Claims to hear, determine, and render judgment in a claim against the United States for damages alleged to have been sustained by a corporation as the result of the failure or delay of the Government of the United States in the settlement and adjustment of a strike of the carpenters' union during the construction of the foundations of the annex to the Library of Congress. To me it appears you are getting on dangerous ground when you confer jurisdiction on the Court of Claims to hear, determine, and render judgment on such claims. So far as I

know I am not aware that such cases have heretofore been sent to the Court of Claims. Under the rule only 5 minutes can be used in opposition to the bill and 5 minutes by those favoring it. I say a matter of that kind that sets a precedent that can be referred to in the future is far too important to dispose of in 10 minutes.

If the taxpayers of this country—and they are the ones that pay the bill—are going to be held responsible when the Government does not settle a labor controversy on a public building, just for a moment consider the ultimate cost.

I appeal to the chairman of the Committee on Claims and the members of that committee to give serious consideration to the suggestion I advanced.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. HANCOCK of New York. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made on the first title of this bill in order that I may complete the story.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read as follows:

Title III—(H. R. 906. For the relief of John McShain, Inc.) By Mr. DALY

That jurisdiction be, and hereby is, conferred upon the United States Court of Claims and the said court is hereby directed to examine the claim of John McShain, Inc., against the United States for damages alleged to have been sustained by the said John McShain, Inc., as the result of the failure or delay of the Government of the United States in the settlement and adjustment of a strike of the carpenters' union during the construction of the foundation of the Annex to the Library of Congress in the District of Columbia, dating from May 1, 1934, to July 5, 1934, and the said court is directed to determine and adjudge whether any and, if any, what damage was sustained by the said John McShain, Inc., and to enter judgment against the United States for such amount as the said court shall determine to be due the said John McShain, Inc., as a consequence of said failure or delay.

With the following committee amendments:

Page 3, strike out lines 13, 14, and 15 and insert "That jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, determine, and render judgment upon the claim of McShain Co., Inc."

Line 19, strike out the words "John McShain" and insert in lieu thereof "McShain Co."

Page 4, beginning after the figures in line 2, strike out the remainder of the bill.

Amend the title so as to read: "A bill for the relief of McShain Co., Inc."

The committee amendments were agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Strike out all of title III.

Mr. COSTELLO. Mr. Speaker, this title would authorize the McShain Co. to go to the Court of Claims in an effort to collect damages amounting possibly to \$30,000 against the Federal Government. This \$30,000 is the amount of additional cost to the contractor and his subcontractors sustained on account of a carpenters' strike which occurred while an addition to the Library of Congress was being built.

The contract provided that in the event of a strike which could not be satisfactorily adjusted by the contracting officer, namely, the Architect of the Capitol, the matter should be submitted to the joint commission, namely, the Joint Congressional Committee on the Addition to the Library of Congress. The contractor, the McShain Co., made the point the Architect of the Capitol did not submit this matter of the carpenters' strike to the joint commission. However, the Architect did not so submit the matter because to have done so would have been a useless gesture. The question of the strike was being handled throughout the city of Washington by other governmental agencies, particularly by the Board of Labor Review, hence a submission of this matter to the joint commission also would have been absolutely unnecessary.

In settling the contract with the McShain Co., although the construction was delayed some 153 days in completion,

the General Accounting Office allowed the 69 days additional caused by the strike, so no damages were assessed against the contractor for that period.

It appears to me if we pass this title in the bill we are in danger of establishing a precedent for other claims arising out of other contracts which have been executed in a standard Government form, and this would render the Government subject to numerous claims where there may be strikes on Government buildings which have not been properly settled.

Mr. KENNEDY of Maryland. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Maryland.

Mr. KENNEDY of Maryland. Is it not true that under the contract the Architect was required to report this situation to the joint commission and failed to do so, because, as the gentleman states, it would be simply a gesture? Nevertheless, that was the condition of the contract, and he, the Architect, failed to comply with it.

Mr. COSTELLO. As I stated, that was a provision in the contract.

Mr. KENNEDY of Maryland. And that was no fault of the McShain Co.

Mr. COSTELLO. But nothing would have been accomplished if it had been so submitted. The purpose in submitting it was to expedite a settlement of the strike, provided the Architect of the Capitol himself could not satisfactorily settle the strike. However, this strike was general throughout the city and all carpenters were on strike and the Board of Labor Review was handling the entire matter for all building operations throughout the city.

Mr. KENNEDY of Maryland. And there was nothing that McShain & Co. could do to prevent this loss to themselves.

Mr. COSTELLO. There was nothing they could do and, as a matter of fact, the strike should never have been called, because the carpenters' union had entered into a very definite agreement under which they were to receive \$1.10 an hour and under the terms of the agreement there should not have been a demand for an increase in wages during the construction period for this building.

Mr. KENNEDY of Maryland. Is it not true that McShain & Co. were the innocent sufferers from a condition over which they had no control?

Mr. COSTELLO. That is quite true and so were the subcontractors and likewise the Federal Government would be an innocent sufferer if these damages are to be referred back to the Federal Government, just the same as an independent person or an individual owner putting up a building. If such a cost is to be levied against the owner of a building, then such owner becomes an innocent sufferer.

Mr. KENNEDY of Maryland. But was it not the duty of certain Federal agencies to settle the strike?

Mr. COSTELLO. I would not say it was their duty. It was their obligation to make an effort to settle the strike, and I contend that to pass a bill of this sort would set up a dangerous precedent.

[Here the gavel fell.]

Mr. KENNEDY of Maryland. Mr. Speaker, I rise in opposition to the amendment.

I may say in answer to the gentleman from California that McShain & Co. did nothing of their own accord to cause this loss. They are innocent sufferers on account of the failure of certain Government agencies to perform their duty. I do not contend it was possible for the Government agencies themselves to prevent this loss, but the loss resulted from a condition that existed, and this is merely a jurisdictional bill that authorizes this company to go into the Court of Claims and have the court hear and determine what damages, if any, they are entitled to.

Mr. HANCOCK of New York. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Maryland. I yield to the gentleman from New York.

Mr. HANCOCK of New York. If bills like these are passed, is it not a tacit admission on the part of the House that a claim exists, and in this particular case is it not an invitation

to other contractors all over the District who were affected by the same strikes to enter claims?

Mr. KENNEDY of Maryland. No; I would not say that. I would say it would be a matter for the Committee on Claims to take up and consider. The House must bear in mind that this committee has about 3,000 bills before it every Congress, and the only ones the House sees are the bills we report out favorably. They fail to see the bills that do not get out of the committee and on which we report adversely.

I will also say to the gentleman that as long as I am chairman of the committee, and I am sure the other members of the committee feel the same way, if there is any attempt of a general raid on the Treasury, we, the members of the Committee on Claims, would be the first to object and see to it that such legislation would be promptly and decisively defeated.

We believe this is a meritorious claim. It has been before the committee for quite a long while, and as the gentleman from California [Mr. COSTELLO] practically admits in his statement, it is a claim of merit. These people are innocent sufferers. They are reputable and responsible contractors. I have no personal interest in the matter except to see that they have their day in court, and that is all this bill does.

Mr. Speaker, I hope the amendment will be voted down.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California to strike out the title.

The question was taken; and the Chair being in doubt, the House divided, and there were—ayes 26, noes 37.

So the amendment was rejected.

The Clerk read as follows:

Title IV—(H. R. 1099. For the relief of the New York & Baltimore Transportation Line, Inc.). By Mr. KENNEDY of Maryland

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the New York & Baltimore Transportation Line, Inc., a corporation organized and existing under the laws of the State of Maryland, with its principal place of business in New York City, the sum of \$129,000 in full satisfaction of its claim against the United States for damages arising out of the frustration of a certain contract of sale for its vessel, *The Baltimorean*, resulting from the requisition by the United States Government for public use of two other vessels, the *Chesapeake* and the *Manna Hattu* both the property of the said New York & Baltimore Transportation Line, Inc.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. BARDEN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARDEN: Page 4, line 9, strike out all of title IV.

Mr. BARDEN. Mr. Speaker, I shall not personally insist upon the adoption of this amendment, but I felt this item to be of sufficient importance for the House to know the facts in order to be properly considered by the House.

There is involved in this bill \$129,000, and the committee charged with looking after bills on this calendar at this time felt we should have and the House have additional information about it. I shall try in the brief time I have to give the House the facts as I see them in connection with this claim.

In 1918 this shipping concern had a bona fide contract and had made a sale of three ships for the sum of \$825,000. Just following this and before the sale was carried through and after they had made application to the Shipping Board for the transfer of these vessels the Government took two of the ships and left the third one. The Government took the two largest ships, and their appraisal on these two ships amounted to \$350,000.

The shipping concern filed an objection and demanded a reappraisal. The Navy Department denied the reappraisal. Subsequent to that the board of directors of the shipping concern met and decided to accept the \$350,000, which was

done, and the Government paid the \$350,000, plus, I think, about \$2,000 for supplies that were aboard the ships. Following that the shipping concern sold the remaining one ship for \$71,000. They contended that the three ships comprised an operating unit and were much more valuable than the one ship by itself, and that whereas they had previously agreed to sell the ship for \$200,000, they were able to get only \$71,000 for that. Following that—and I am having to jump back rather rapidly—and following the close of the war, the Government sold the two ships for which it paid \$350,000 for \$625,000 at auction. The Government had made some repairs to them, but, according to the facts that were undisputed, those repairs did not enhance the value of the ship as a commercial ship.

Mr. COCHRAN. As a matter of fact the Government put \$658,968 worth of repairs on those ships, so the total cost to the Government was over a million dollars.

Mr. BARDEN. Mr. Speaker, if the gentleman will follow the statement I made, he will see, I think, that he is mistaken. I think the amount was about five-hundred-and-some-odd-thousand dollars.

Mr. COCHRAN. I took it from the Court of Claims report.

Mr. BARDEN. But those improvements consisted of sounding devices and instruments of warfare for the protection of the ship and did not inure to the benefit of the ship or enhance the value of the ship as a commercial ship. I am trying to be fair in presenting both sides of the case. Then they went to the Court of Claims. The Court of Claims, of course, said the Government had nothing to do with the one ship they did not attach, and they would not allocate these unliquidated damages.

Mr. HALLECK. And is it not true that the Court of Claims ruled that the Government of the United States was not liable for consequential damages?

Mr. BARDEN. I was just about to read that. Here is the decision of the Court of Claims:

In this view of the matter there can be no recovery on the plaintiff's claim for the consequential damages to its business, and for its loss on the sale of the third ship, the *Baltimorean*, inasmuch as the transfer of these vessels was its voluntary act under a contract, and any damage it suffered was due to its own act and not any act of the Government.

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mr. RAMSPECK. Mr. Speaker, I rise in opposition to the amendment. On behalf of the committee I made a very careful study of this bill, which was introduced by the gentleman from Maryland [Mr. KENNEDY], and the claimants in which reside, as I understand it, in Baltimore and in New York. As the gentleman from North Carolina [Mr. BARDEN] has said, he objected to this bill, but afterward made a very careful study of it, and I think he would say to the House now that he thinks there is merit in the bill, and I call attention to the fact that he said in presenting this amendment that he did not insist upon its adoption.

The facts briefly are these. This company had three ships, two large ones and one small one. It executed a contract of sale and the money was put in the bank for \$825,000. Under the law they could not consummate that deal without the consent of the Shipping Board. We were at war. The Shipping Board would not give its consent, but on the contrary took the two larger ships and paid \$350,000 for them.

Mr. KENNEDY of Maryland. That particular contract the gentleman referred to was a private contract.

Mr. RAMSPECK. Yes; a private contract between this company and somebody who wanted to buy the ships. The Government paid them \$350,000 for the ships, which the Court of Claims says are worth more than that. After the Government had made them available for war services and had used them as such, it reserved the property put on the ships and sold them for \$318,000 more than it had paid these claimants.

That is the language of the Court of Claims. In addition to that, this company lost the sale of the third ship at \$200,000 and was forced to take \$71,000 for it by itself, thereby

losing \$129,000 on that ship. A bill originally was introduced for \$404,000. The committee cut it down to \$129,000 upon the theory that the claimants had a legal remedy for the loss on the two large ships, which, through bad legal advice, they failed to avail themselves of; but they had no legal remedy for the loss on the third ship and no way to go into court on that proposition, and therefore, as a matter of justice and equity, this committee feels that this is a valid and just claim and ought to be paid.

I call the attention of the House to the fact that the Government got back \$318,000 more than it paid for the two ships it took and deprived these people of the sale of its fleet of three ships at \$825,000, and occasioned them a loss of \$129,000 on the small ship.

Mr. SUMNERS of Texas. And did the Government reserve to itself and take over the instrumentalities, whatever they were, they put on the ships that cost \$610,000?

Mr. RAMSPECK. The Government did, and the Court of Claims recites that and says that the improvements made on the vessels had no value for commercial purposes.

Mr. COX. And the claimants appealed to this tribunal, as the only one having jurisdiction, to give them justice?

Mr. RAMSPECK. The gentleman is correct. This is the only place they have any chance of getting justice. That is what this Committee on Claims is for. It is to give a remedy to people who have no legal remedy, who cannot get into court either on a case at law or at equity, but who have only one recourse, and that is to appeal to their legally elected representatives for justice.

Mr. KENNEDY of Maryland. Will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. KENNEDY of Maryland. Is it not true that if we pass this bill, which will pay to these claimants \$129,000, there will still be a loss to them of \$275,000 that the committee refused to allow?

Mr. RAMSPECK. The gentleman is exactly correct. They have lost that. This bill will not give it back to them. They had a sale, which the Court of Claims said was a valid sale and the money was in the bank. The only reason the sale was not consummated was because the Government took over the two large ships and arbitrarily fixed the price, which must be less than the value, because the Government 2 years later sold those ships, after using them, at a profit of \$318,000.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes, I yield.

Mr. COCHRAN. The gentleman is fair when he says the Government did sell them for \$318,000 more than they paid the owners.

Mr. RAMSPECK. Yes.

Mr. COCHRAN. But they sold them for \$350,000 less than it cost the Government after reconditioning them.

Mr. RAMSPECK. But they took off that equipment and the court says so, and says also that it was of no commercial value.

Mr. COX. And they sold the ships for salvage purposes?

Mr. RAMSPECK. Yes.

[Here the gavel fell.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from North Carolina [Mr. BARDEN].

The amendment was rejected.

The Clerk read as follows:

Title V—(H. R. 1249. For the relief of L. M. Crawford.) By Mr. THOMASON of Texas

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to L. M. Crawford, of Wichita, Kans., the sum of \$15,281.60 in full satisfaction of his claim against the United States for the loss of 382 acres of land in the Rio Grande Valley about 10 miles northwest of El Paso, Tex., title to which he obtained under a patent issued by the United States to his predecessor in title, and the loss of which resulted from the fixing of the boundary line between the States of New Mexico and Texas by the decision of the Supreme Court of the United States in the case of *State of New Mexico v. Texas* (275 U. S. 279, 48 Sup. Ct. 126): *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in con-

nection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Title VI—(H. R. 1476. For the relief of Mrs. W. E. Bouche.) By Mr. WOODRUFF

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. W. E. Bouche, of Bay City, Mich., the sum of \$295 for injuries sustained on May 25, 1933, as a result of a fall down the steps on the northwest end of the Federal Building, Bay City, Mich.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 6, line 14, after the figures, insert the words "in full settlement of all claims against the United States."

The committee amendment was agreed to.

Mr. HANCOCK of New York. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK of New York: On Page 6, strike out title VI.

Mr. HANCOCK of New York. Mr. Speaker, I was one of those who objected to this bill when it was first reached on the Private Calendar, much to the disgust of my friend from Michigan [Mr. WOODRUFF]. I objected to it because I did not see any negligence in the case on the part of the Government. I do not believe, under the same circumstances, a case could be made out against a private individual. This claimant fell down the front steps of the post office at Bay City, Mich., and injured her knee. She had lived a great many years in Bay City and undoubtedly had used the post office time after time. There is no claim that there was any defect in the stairs or that they were slippery or that there were any obstructions of any kind. It seems to me to have been just a plain accident. In the original hearing it was claimed as negligence that there was no rail there. If the absence of a rail is negligence, then we had better make haste to put them on the building that we now occupy. I do not know of any building in the world that has as many steps as the Capitol. You can look all over the city of Washington and you will find very few buildings that have hand railings.

On the rehearing the gentleman from Michigan adopted another theory of negligence. On that hearing he stated that the platform or stage between the front door and the top step was so narrow as to be dangerous. My contention is that the woman was entirely familiar with that post office, and if there was any negligence it was her own.

We know that we sometimes fall down stairs ourselves. Sometimes we lose our balance; sometimes we turn an ankle; sometimes we slip, and sometimes we do not look where we are going. Women especially, are likely to trip and fall by reason of catching their heels in the hems of their garments.

Mr. KENNEDY of Maryland. Will the gentleman yield?

Mr. HANCOCK of New York. I yield.

Mr. KENNEDY of Maryland. Is it not true that the evidence submitted to the committee shows that there were several accidents of this same kind at this particular location?

Mr. HANCOCK of New York. I recall that the gentleman from Michigan said he had fallen down these stairs himself, but he did not explain under what circumstances. [Laughter.]

Mr. KENNEDY of Maryland. And since that time they have placed a guard rail there.

Mr. HANCOCK of New York. Since that time they have placed a guard rail there, but I claim that does not make a stairway without a rail a dangerous condition. If it is so, we should immediately place railings on the steps of all post

offices and buildings that the Government owns all over the United States in the interest of economy. To pass this bill, as I look at it, is an invitation to go to the post office and fall down stairs. That would cost us a lot of money.

[Here the gavel fell.]

Mr. CASE of South Dakota. Mr. Speaker, I rise in opposition to the amendment. I would like to read the testimony of the author of this bill, given at the rehearing, that bears upon this particular point to which the chairman of the committee has called attention:

Mr. WOODRUFF. I would be glad to give the gentleman from New York an explanation as to why this accident happened. And I am in position to make an authoritative statement upon this, because I had exactly the same accident at exactly the same place myself. My injuries, while they were exceedingly painful, were not permanent. I pitched headlong down the steps. The reason for it was that in coming out of the post office, in the designing of the post office—and in addition to other accidents, I believe there are other things about that particular building that would lead us to believe a fairly inexperienced novice of the Architect's Office of the Treasury Department was responsible for designing that particular building. Several people have fallen down during the year. When you come out of the door, the revolving door, you step right straight down, and often it is not very light there, and you cannot see where you are going.

Mr. HANCOCK. You mean there is no platform?

Mr. WOODRUFF. No platform outside there at all. And Mrs. Bouchey, the lady involved, and myself are not the only people who have had that experience; and the Treasury Department has since that time, I understand, taken steps to remedy the trouble, and we have had no more difficulty since then.

The responsibility of the Government, so far as I can see it, is due entirely to the fact that it was improperly designed in that particular part of the building, which made a dangerous situation.

These are the considerations which led the committee to submit the bill in the first place and to resubmit it in this omnibus bill: That a person could, at the top of a flight of steps, step directly down from the revolving door without there being any platform. I hope the amendment offered by the gentleman from New York to strike out the title will be voted down.

Mr. KENNEDY of Maryland. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. KENNEDY of Maryland. Will the Chair advise me what the pending motion is?

The SPEAKER pro tempore. The pending motion is the motion offered by the gentleman from New York to strike out the title.

Mr. WOODRUFF. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WOODRUFF. Would it be in order for me to offer an amendment to the suggestion of the gentleman from New York?

The SPEAKER pro tempore. There is pending a motion to strike out the title. The Chair thinks that should be acted on first.

The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

MARIE B. NEALE

The Clerk read as follows:

Title VII—(H. R. 2940. For the relief of Marie B. Neale.) By Mr. GAMBRILL of Maryland

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Marie B. Neale, of Issue, Charles County, Md., the sum of \$500, which sum shall be in full satisfaction of all claims against the United States for damage to property of said Marie B. Neale as the result of the firing of guns at the Dahlgren Naval Proving Grounds, Dahlgren, Va.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 7, line 11, strike out "\$500" and insert in lieu thereof "\$350."

Page 7, line 13, after the words "United States", insert "past or future."

The committee amendments were agreed to.

Mr. HALLECK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HALLECK: Page 7, line 6, strike out all of title 7.

Mr. HALLECK. Mr. Speaker, while the amount involved in this particular claim is not great, it seems to me that it presents an issue and a precedent which the Members should very carefully consider.

The claimant owns a house in the town of Issue, Md. She claims that in 1927 and prior thereto the firing of guns at the naval proving station at Dahlgren, Va., damaged the plaster in her home, damaged the structure generally to the extent of four hundred and some dollars. After that claim was made the Navy Department, by its inspectors, inspected the property two or three different times and came to the conclusion, and so reported, that they could find nothing to justify the claim; that there was nothing to definitely establish that the damage to the house was caused by the firing of the guns. They further pointed out the structural weaknesses in the building itself. A part of the house was 80 years old.

The issue presented is whether or not the firing of these guns set up such a concussion in the air or vibration in the ground as to crack the plaster or the other materials in the house. The report does not disclose how far the house is situated from the point of firing, but somewhere along the line it runs in my mind that it developed that it is several miles.

I believe that in a claim of this kind the burden of proof is upon the claimant to establish by a fair preponderance that the Government caused the damage. The report on this bill indicates no such proof of this claim. I contend that it is absolutely impossible, as indicated by the reports of the naval officers, that any concussion in the air or vibration set up in the ground could injure a house that far away. I have had some little experience in matters of this sort, and I say to you that before you can crack plaster, destroy or break any other material in the house, you must set up a vibration that reaches the elastic limit of the material damaged.

Mr. KENNEDY of Maryland. Mr. Speaker, will the gentleman yield at that point?

Mr. HALLECK. I yield.

Mr. KENNEDY of Maryland. Is there not a statement in the report to the effect that somebody said that walking across the floor would crack the plaster in that building?

Mr. HALLECK. There is something in the report to that effect. If that house is so weakly built that walking across the floor would crack the plaster, then I would say that the damage was caused by structural weakness rather than by the explosion of guns.

Mr. ALLEN of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield.

Mr. ALLEN of Pennsylvania. Were any other houses in the neighborhood affected the same way?

Mr. HALLECK. I think there is one letter in the report that says something about plaster that is cracked in other houses. I have had some experience along this line, as I say, and I have found the tendency of people is to accentuate and overemphasize the effect of blasting, firing explosions, or whatever it may be that sets up vibration. On the state of the record before us I cannot see that the Government is liable.

Of course, there are other houses around there. There are other houses in close proximity to these necessary operations of the Navy and Army. Certainly the matters involved herein are susceptible to scientific proof. It can be determined as a matter of practical certainty whether or not the vibration set up in the ground or the concussion going through the air is sufficient to reach the elastic limits of the building materials in the house to such an extent that it will break or crack them.

Mr. Speaker, in the absence of that proof it does not seem to me that the Congress of the United States should put itself on record as approving this sort of action and admitting liability as far as the Government is concerned in situations of this sort.

[Here the gavel fell.]

Mr. GAMBRILL of Maryland. Mr. Speaker, I rise in opposition to the amendment.

The distinguished gentleman from Indiana has tried to emphasize that in this report there is a statement by the naval officers to the effect the gunfire did not crack the walls of this house. If you will read the record closely, you will find, as a matter of fact, that the naval officers stated they were unable to determine whether the defects now found in the house were due to the firing of the guns or due to the structural condition of the house.

I want you to pause just for a moment and consider that this report speaks of the structural defects of that house. The structural defects, it seems to me, would go back to the inception of the building of the house. This house in 1927 was 80 years old. It has been occupied since that time and will be occupied for years to come. Manifestly a frame house that has stood for almost a century cannot have very many structural defects. As a matter of fact, these guns at Dahlgren fire down the river and in some cases the shells explode in the vicinity of the peninsula on which this house is located. You have the statement in this record of a builder of 25 years' experience to the effect that in this little settlement on the peninsula known as Issue most of the houses have suffered from the same effects of the firing of these guns. The estimate given for repairs, \$409.50, is considered by him to be a reasonable and fair charge. As a matter of fact, we have reduced the amount to \$350, and I therefore ask the Members to defeat the amendment offered by the gentleman from Indiana.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Indiana [Mr. HALLECK].

The question was taken; and on a division (demanded by Mr. HALLECK) there were—ayes 31, noes 22.

Mr. GAMBRILL of Maryland. Mr. Speaker, I ask for tellers.

Tellers were refused.

So the amendment was agreed to.

The Clerk read as follows:

Title VIII—(H. R. 3734. For the relief of Zoe A. Tilghman.)
By Mr. Hill, of Oklahoma

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Zoe A. Tilghman the sum of \$5,000 in full settlement of all claims against the United States for compensation for the death of her husband, William M. Tilghman, caused by his being shot by a Federal prohibition agent, at Cromwell, Okla., on November 1, 1924: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. HANCOCK of New York. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK of New York: Page 8, strike out all of title VIII.

Mr. HANCOCK of New York. Mr. Speaker, I want to take just a few minutes to explain this title of the bill, the purpose of which is to make an award of \$5,000 to the widow of a peace officer in Oklahoma who was killed in a fight with a prohibition agent.

Just exactly what occurred is rather hard to determine. It does appear from the record, however, that the prohibition

agent, Lynn, approached a concert hall in a small town in Oklahoma accompanied by two drunken women and one drunken man; that as he approached the concert hall, for some reason which is not explained, he shot his pistol into the ground; whereupon the peace officer there, Tilghman, attempted to put him under arrest. Some hard words were exchanged and some ugly names used. A struggle ensued, and in the struggle the peace officer was killed.

The prohibition agent was brought to trial in the State court of Oklahoma and a former attorney general of the State was employed as a special prosecutor in the case. Nevertheless, the prohibition agent was acquitted by the jury.

We are asked in effect to reverse the decision of that court and find that the man Lynn was guilty. His defense was that he shot in defense of his own life, and the jury found that to be the fact. I do not see what right we have to go behind the verdict of the Oklahoma jury.

There are a great many affidavits in the record made by friends of Mrs. Tilghman to the effect that Mr. Lynn was a bad man. I cannot dispute that. There are affidavits to the effect that her husband was a very good man, and I do not doubt that. But in the murder trial the jury found that Tilghman was the guilty party. If the good people of Oklahoma feel that there was a miscarriage of justice in the case and that one of their own peace officers was killed in the proper fulfillment of his duty, I believe the State should be asked to make an award to the widow. A court of competent jurisdiction has found the Federal agent to be the innocent party. On what ground should the Federal Government make an award to the widow of the guilty man?

[Here the gavel fell.]

Mr. KENNEDY of Maryland. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, the facts in this case are substantially as stated by the gentleman from New York. The situation was that a lawless condition existed in Cromwell, Okla., about this time. Mr. Tilghman was a retired officer who was asked to come there and serve in this particular community as a town marshal. He lived in another part of Oklahoma. He was asked because of his good reputation as a peace officer in that part of Oklahoma to come in order to break up this lawlessness which existed there.

While it is true this case was tried in court and a verdict was rendered in favor of the Federal prohibition agent charged with killing Mr. Tilghman, I would like to read a statement of the presiding judge, the Honorable Frank Matthews, contained in a letter written to the Honorable Fletcher Swank, former Member of the House and the author of the original bill in this case.

Mr. HANCOCK of New York. Will the gentleman yield?

Mr. KENNEDY of Maryland. I yield to the gentleman from New York.

Mr. HANCOCK of New York. Will the gentleman state how many years after the trial that letter was written and whether the gentleman in question was still a member of the court when he wrote it?

Mr. KENNEDY of Maryland. I do not know. I cannot say. However, I am certain Judge Matthews is a responsible person. The mere fact of the expiration of time would not preclude him from making this statement. He was still a judge at that time, I have been told since the inquiry of the gentleman from New York [Mr. HANCOCK].

Mr. DIES. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Maryland. I yield to the gentleman from Texas.

Mr. DIES. I understand this prohibition agent was indicted, tried, and acquitted by a jury in Oklahoma?

Mr. KENNEDY of Maryland. Yes. Let me quote the language of Judge Matthews:

After hearing the evidence in the trial there was created a lasting impression in my mind that Tilghman was murdered, and it amounted to practical assassination.

Practically all of the witnesses who saw the killing were criminals of the lowest type, and their sympathy was against Bill Tilghman and in favor of Lynn, who was the Federal prohibition agent.

They were prejudiced not only against Tilghman but against any law-abiding and enforcing officer.

In other words, in the opinion of the judge this man was assassinated by a lawless crowd because he was brought into that community on account of his previous good reputation in order to see if he could establish law and order there.

Mr. HANCOCK of New York. May I state that the first paragraph of the judge's letter reads as follows:

I beg leave to state that as it has been quite a while since I tried the Lynn murder case, many of the facts have escaped me.

Mr. KENNEDY of Maryland. Yes; that is true. This is a very notorious case. I believe some stories about it have been published in certain magazines of Nation-wide distribution. All of them have been in sympathy with Tilghman.

With regard to the State of Oklahoma reimbursing his widow, these people of Oklahoma were required to go to the expense of putting some one there to keep a lawless Federal official from himself violating the law. There is evidence to the effect that this drunken, lawless prohibition agent without any good reason at all shot down this decent, efficient law officer.

Mr. DIES. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Maryland. I yield to the gentleman from Texas.

Mr. DIES. Is there anything in the record to explain why a jury in Oklahoma would acquit this man? My observation has been that jurors in those prohibition times were generally against prohibition agents. I cannot explain in my own mind how a jury of Oklahoma people would lean toward the one who was killed.

Mr. KENNEDY of Maryland. The jury did not lean toward the man who was killed but toward the prohibition agent on trial. The judge stated the people who were the witnesses were lawbreakers and that the jury itself was in sympathy with Lynn, the prohibition agent. They were all of a low type.

Mr. DIES. The jury was of a low type?

Mr. KENNEDY of Maryland. I would say so. The judge says all the persons involved were of a low type and in sympathy with the prohibition agent.

Mr. DIES. That is rather a reflection upon the State of Oklahoma.

Mr. KENNEDY of Maryland. The gentleman can draw his own conclusions about that if he is acquainted with the Commonwealth of Oklahoma. I am not. Perhaps such a condition could have existed there at that time.

Mr. DIES. I know that if a jury was of a low type the jurors would be inclined to be against the prohibition agent and not in favor of him.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield.

Mr. KENNEDY of Maryland. I yield to the gentleman from Pennsylvania.

Mr. EBERHARTER. May I call the attention of the chairman of the committee to the fact Judge Hill of Oklahoma, who was a Member of the House during the last session but has unfortunately since passed away, was himself somewhat familiar personally with the facts in this case. He introduced this bill and was very much in favor of its passage. He believed it was only fair the United States Government should step in here and reimburse the widow to a certain extent. Judge Hill himself was personally acquainted in some measure with the facts.

Mr. KENNEDY of Maryland. Is it not true the evidence showed the prohibition agent was accompanied by two women and a soldier and there was a half a gallon of liquor in the car at the time, and that all had been drinking?

[Here the gavel fell.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. HANCOCK].

The question was taken; and on a division (demanded by Mr. HANCOCK of New York) there were—ayes 28, noes 29.

So the amendment was rejected.

The Clerk read as follows:

Title IX—(H. R. 3954. For the relief of Milo Milliser.) By Mr. HULL

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Milo Milliser, of Barron, Wis., the sum of \$5,000 in full settlement of all claims against the United States for permanent personal injuries received at the hands of a Federal officer of the Lac du Flambeau Reservation on October 9, 1933: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 9, line 4, strike out "\$5,000" and insert in lieu thereof "\$1,000."

The committee amendment was agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Strike out all of title IX.

Mr. COSTELLO. Mr. Speaker, this particular title provides for the payment of \$1,000 to the claimant by reason of the fact he was shot in the arm by a policeman on an Indian reservation. At the time there was at large a certain Dekorah, who was wanted by the police. This police officer, believing Dekorah was possibly in the car, went up to the automobile, put one foot upon the running board, and ordered its occupants to stop. Instead the car immediately started to move and the driver attempted to get away from the police officer. The officer retained his hold upon the car and the driver went through various curves and twists in an effort to throw the officer off the car. In an effort to protect himself, as well as to force the arrest of the driver of the car, the officer smashed a window and fired a shot into the car, believing, of course, that Dekorah was in the car. The car stopped and the officer discovered neither of the two men in the car was the Indian, Dekorah, whom he sought. However, it was discovered that in the car, upon an Indian reservation, there was liquor, in violation of existing Federal law. In addition, there were in the car the carcasses of two deer, which had been shot out of season in violation of the State law. It was for this reason the driver of the car tried to get away from the officer, in the hope he might dispose of the evidence against him and so avoid arrest.

In other words, here was a lawbreaker being accosted by an officer of the law and resisting arrest, and now he asks the Congress to pay him \$1,000 because he was injured in resisting lawful arrest by a regularly constituted police officer. I do not believe he is entitled to receive any benefit whatever. The committee report shows his doctor bills amounted to only \$300. It also appears some ankylosis of the arm has set in. It seems to me certainly that where one unquestionably a lawbreaker, being accosted by an officer and ordered to stop, resists arrest, he is not entitled to come to the Congress and seek relief. I am quite sure the Congress is not going to condone anyone's resisting arrest by giving him \$1,000.

Mr. MAVERICK. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Texas.

Mr. MAVERICK. Was he convicted of resisting arrest?

Mr. COSTELLO. I do not know what the subsequent facts were. The question before us is whether he should be given \$1,000 for receiving an injury when he refused to stop at the request of the officer.

Mr. O'MALLEY. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. O'MALLEY. Was the arrest at night and was the officer in police uniform and in a police car?

Mr. COSTELLO. He announced to the occupants of the car at the time who he was when he told them to stop. I do not know that it is necessary for an officer to do more than that.

Mr. O'MALLEY. It appears to me this officer was pretty free with a gun. He did not know who was in the car, because it is admitted he did not find in the car the man he thought was there. He was very free with a gun, as a good many Federal officers, and particularly prohibition officers, always were at that time.

Mr. COSTELLO. I may state to the gentleman that very often Federal officers in going out seeking one criminal run upon another, and that is what happened here. They were seeking an Indian who had been breaking the law, and in doing so found another lawbreaker instead. The gentleman states that the officer was free with his gun, but the officer did not fire until these people refused to stop and made a very definite effort to throw him off the car and do bodily injury to the officer.

Mr. O'MALLEY. Does the gentleman contend that refusing to stop is resisting arrest and constitutes an offense which would warrant firing a gun?

Mr. COSTELLO. The fact is the officer was standing on the running board of this car when it was moving and an effort was being made by the driver of the car to throw him in the road and do him bodily harm.

Mr. O'MALLEY. That is according to the testimony of the officer.

Mr. COSTELLO. I will admit there is some dispute in the testimony before the committee, but I think these facts have been reasonably proven.

[Here the gavel fell.]

Mr. HULL. Mr. Speaker, this is a meritorious claim and the amount is extremely small, considering the nature of the injury inflicted and the manner in which it was done.

Mr. Milliser was a strong, able-bodied man who had gone some 60 or 70 miles from Barron to look at a piece of land he wanted to buy. He was on his way home with his friend Ralph Kepp on October 9, 1933, between the hours of 7 and 10 o'clock at night, in the dark, on a long, lonesome road through a wilderness. Their way was through the Lac du Flambeau Reservation. They arrived at a point near where a former resident of Barron, Jake Quaderer, had a cabin, having married an Indian wife, and who resided on the reservation. They stopped their car at that point, thinking they had gone by the byroad leading in to his house, and they intended going back and calling on that old neighbor.

As Milliser stopped his car, the man Thayer drove up in a car. Instead of the Milliser car being in motion when Thayer stopped, it had stopped alongside the road to let Thayer's car pass.

John Thayer, an Indian policeman, in his blustering manner, got out, and at that hour of the night, and in that lonesome place, jumped on the running board of the car that had already stopped. Naturally, Mr. Milliser not being familiar with the country and not knowing what kind of people had drawn alongside his car, put the car in motion in an endeavor to get away from Thayer.

Thayer's story is—and it is a peculiar story, I am surprised that the department should submit to the committee an incongruous statement like the one made by Thayer in connection with this case—Thayer testified that Milliser started up and ran the car from one side of the road to the other in an endeavor to throw him off. Milliser's testimony is that he put the car in motion not knowing Thayer was an officer, Thayer having said nothing to him about it, and in a short time Mr. Thayer reached around through the back window and shot Mr. Milliser in the arm.

Immediately the car went into the ditch. Milliser asked the officer why he had shot him and Thayer said, "It was a mistake; I thought you were another party."

As a matter of fact, Thayer was seeking a certain Indian named Decorah, who had been robbing some of the summer cabins in that country. He confessed his error. In his statement Thayer tries to cover up his mistake and his wrongful shooting, his attack on this innocent man, by stating that when he jumped on the running board of the car he saw a case of moonshine in the bottom of the car and the carcasses of two deer under a lot of blankets. What more testimony is needed from an officer who will make the

absurd statement that in the dark of night, without a searchlight, he looked into the rear of a small car and saw all of that at a glance, and then pulled his gun and shot the man? It is a ridiculous story.

Now, what happened afterward? Mr. Milliser was taken to the jail at Winter, laid on the floor on a dirty mattress and his wounds became infected. Two days later he was taken to the hospital on the Indian reservation and from there to the hospital at Barron, where he was laid up for 2 months.

His arm became permanently disabled not only on account of the wound but from the infection which resulted from his incarceration in the jail.

There was no warrant issued afterward for Mr. Milliser so far as the State of Wisconsin was concerned. Thayer claims that Milliser killed deer out of season, which was a State offense. The sheriff of Sawyer was with Thayer in the car. The sheriff made his statement in this case, but he made no mention in his statement of any moonshine or deer carcasses being in the car. In fact, the statement of the Indian policeman is unsupported in many particulars in this whole matter.

Some 3 months later a Federal warrant was issued for both Mr. Milliser and Mr. Kipp, for introducing liquor on an Indian reservation. That action was dismissed as to Milliser upon the motion of the district attorney more than a year later.

Mr. Milliser has been seriously handicapped by his injuries, and the amount allowed in this bill is small compensation for him.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California.

The amendment was rejected.

The Clerk read as follows:

Title X—(H. R. 4258. For the relief of Barbara Jean Matthews, a minor.) By Mr. TOLAN

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ellen Matthews, guardian of Barbara Jean Matthews, out of any money in the Treasury not otherwise appropriated, the sum of \$2,500 in full settlement against the Government for injuries received when her hands were crushed by a falling piano at Yosemite National Park Camp, No. 15, July 24, 1932: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Title XI—(H. R. 5104. For the relief of the Acme Wire & Iron Works.) By Mr. RABAUT

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of \$3,547 to the Acme Wire & Iron Works, of Detroit, Mich., in payment of its claim arising under a contract with the Veterans' Administration.

With the following committee amendments:

Page 10, line 19, strike out "\$3,547" and insert "\$990."

Page 10, line 21, strike out "arising" and insert "for liquidated damages assessed."

Page 10, line 22, after "contract," insert "VBC-785."

Page 10, line 23, after the word "administration", insert the following: ", executed November 18, 1930, for the construction and finishing complete of certain window and radiator grills at the Edward Hines, Jr., Hospital, Hines, Ill.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. COSTELLO. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 10, strike out all of title XI.

Mr. COSTELLO. Mr. Speaker, this bill proposes to pay the sum of \$990 to the Acme Wire & Iron Works, as liquidated damages in the contract for the building of the Edward Hines, Jr., Hospital, for the Veterans' Administration. The contract called for installing window and radiator grills. Their work was to be done within a period of 95 days of the date of the notice to proceed. A delay of 43 days occurred, and under the contract damages were to be assessed at \$30 a day. The claimant asserts that due to an ambiguity in its contract and due to delays on the part of the Government in approving samples, it was delayed this period of 43 days in completing their work. I contend that if there was any ambiguity whatsoever in the contract, it was up to the contractor to have those ambiguities taken care of prior to the time that he signed the contract. In other words, it was up to him to know what the contract called upon him to do in the construction of this veterans' hospital. The contractor submitted to the Government blueprints of the wire grills he was going to install in this hospital, but he asked that the Government approve of those blue prints, because the samples which he was required to furnish under the contract were not yet ready to be submitted. The blueprints were promptly O. K.'d and returned to the contractor, and approximately 2 weeks passed before he submitted a sample of the grills. When it arrived it was found not to be in conformity with the blueprint which he had submitted. The Government then returned those grills and demanded an exact specimen, identical with the blueprints, and it was on account of the delay of the contractor in submitting the proper sample that the delay occurred on which the damages of \$30 a day were assessed against the contractor. The Government did allow the contractor relief on a matter of 10 days, but in regard to the 33 days' delay in submitting these samples, he was not given relief, and was assessed the sum of \$30 which makes the amount of this bill \$990.

Mr. KENNEDY of Maryland. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. Yes.

Mr. KENNEDY of Maryland. This bill originally was for \$3,547. The committee reduced it to \$990. Does not the gentleman believe that there must be some merit in the claim when there was evident dispute and the Government did allow 10 days? Of course, the claimant says that he is entitled to more than that, but there was a question of dispute, and the Government did grant part relief only. The committee reduced the claim from \$3,547 down to \$990, which we think is the proper amount. I might also ask the gentleman if it is not true that this bill passed the House during the last session of Congress.

Mr. COSTELLO. It is true that the bill did pass the House during the Seventy-fourth Congress. However, in regard to the 10 days which the Government remitted, I call to the attention of the gentleman the fact, appearing on page 5 of the committee's report, which shows there was a delay on the part of the Government of 10 days in approving the drawings, and for that reason, due to the fact that the contractor was delayed 10 days in having the drawings approved, the Government has remitted the penalty for the 10-day period. For the 33 days' delay occasioned by the contractor failing to submit a proper sample, the Government contends that he is not entitled to relief.

Mr. RABAUT. Mr. Speaker, I rise in opposition to the amendment. This claim grows from a difference that comes about through a misunderstanding of the plans and specifications in a contract between the Acme Wire & Iron Co. of Detroit and the Government, in connection with certain work done at the Edward Hines Hospital.

The Acme Iron & Wire Works deals specifically in metal construction—radiator grilles and window grilles. In the heating section for example of the plans and in the specifications it is usually enumerated in the caption of the section

what specific kind of work is to be done in the section. The Iron & Wire Works discovered afterward one little single line in the specifications, whereby they were to install some woodwork, which is quite contrary to general procedure in metal construction. Over and above that, they were to paint this woodwork. The Iron & Wire Co., not being familiar with that kind of work, of necessity, had to do some corresponding with the Government. This necessitated a delay. Incidentally, if the entire amount which is claimed here, \$3,547 over and above the price, were to be added to their contract, they would still be the lowest bidder, by far.

Yielding to an error that they have admitted, by not making further claim and in not discovering this difference, this oddity in the specification, this claim of \$990 accounts for 33 days of liquidated damages at \$30 a day, which we feel should be given to them.

This bill has been passed by the House, but it was passed at a late date in the Seventy-fourth Congress. It was passed too late to be passed by the Senate.

I hope the House will give consideration to the request.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. COSTELLO].

The amendment was rejected.

The SPEAKER pro tempore. The question recurs on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

On motion by Mr. KENNEDY of Maryland, a motion to reconsider the vote by which the bill was passed was laid on the table.

By unanimous consent, permission to revise and extend their own remarks was granted to Mr. COCHRAN, Mr. HULL, Mr. KENNEY, and Mr. KENNEDY of Maryland.

Mr. GEHRMANN. Mr. Speaker, I ask unanimous consent to extend my own remarks and include therein some communications I have received from my State Highway Commission.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Under special order heretofore granted, the gentleman from Michigan [Mr. WOODRUFF] is recognized for 15 minutes.

ORGANIZED LABOR

Mr. WOODRUFF. Mr. Speaker, the crucial test of the American labor movement is at hand. It has reached that point in its history and development when it must make a choice of one of two roads—continued solution of labor's problems by labor itself or surrender to a directing force outside the ranks of labor. This test has come, as it might have been expected to come, after a long depression which has tried the courage and the patience of the people, and which has taxed the ingenuity of the best thinkers of America to find the way out.

In such times as these there is always a very great, sometimes an overwhelming, tendency of the masses of the people to turn for guidance to the Federal Government; to shift to the shoulders of the Government the burden of responsibility and the task of providing the means and the methods of escape from those distressing pressures incident to every depression. And that tendency to reliance upon the authority and the resources of the Federal Government has been invited, fostered, and encouraged during the last 5 years as it has never been before.

Such a course, however, carries with it inevitable regimentation and regulation of the activities of the citizens of all classes—of industry, of agriculture, of labor—which, if pursued, must finally merge into an authoritarian form of Federal control. The only safeguard against that drift is for the spirit of independence, of personal and individual initiative, to be kept alive and fanned into the flame of self-confidence and aggressive effort.

Over the years the American Federation of Labor has been building up the confidence of the Nation in the constructive and sound policies of the labor movement founded by Samuel Gompers and for half a century wisely led by him. It has consistently urged the doctrine of protection and betterment for labor and the advancement of all wage earners' interests regardless of membership in any given organization.

Under the leadership of that great labor statesman, Samuel Gompers, and under the guidance of his disciples since the death of the old master, that movement has culminated in the public and legal recognition in America of the right of self-government in labor relations, the right of collective bargaining, and the realization that the welfare of the laboring classes is inseparable from the welfare of the Nation as a whole.

Meanwhile, opportunism has found its expression in another labor movement, the C. I. O., which has not been characterized by the constructive democratic policy which distinguishes the American Federation of Labor. Instead, that new organization has expressed the philosophy of a labor despotism. Self-appointed and self-perpetuating leaders have assumed control of the movement. It is shot through and through with communism and radicalism. It has behind it a record of industrial disorder, lack of discipline, irresponsibility for pledged word, and disregard for signed contracts—those earmarks of lawlessness and lack of due regard for the good of the whole. There is no question but that the whole labor movement has greatly suffered from the irresponsible actions and the lawless excesses of the C. I. O.

Now we find that powerful influences are being brought to bear to compel the American Federation of Labor to abandon those principles and those ideals for which Samuel Gompers so long labored and fought, and to submit to being swallowed up by the supposed numerically more powerful C. I. O.

On January 5 the newspapers carried this account of a Presidential press conference. I quote:

Meantime, pressure is to be brought on William Green, president of the A. F. of L., and John L. Lewis, C. I. O. chieftain, to bury the hatchet. This falling, the President plans to recommend legislation to cure the problems of the labor factions for them.

And it is to decide whether or not the American Federation of Labor is to submit to this program of coercion that the executive council of that time-honored and stable democratic labor organization is now meeting in Florida.

The vital points on which the American Federation and the C. I. O. are in fundamental disagreement, as I understand it, are these: The C. I. O. claims now to have a book membership exceeding in numbers that of the A. F. of L. A majority of that C. I. O. membership, it is reported, is not paying dues. Many Communists and other radicals infest the membership.

The American Federation of Labor counts as members only those who carry out all the obligations of membership, including dues payments and strict observance of contracts between the A. F. of L. unions and employers.

The C. I. O. leaders want their entire book membership taken in by the A. F. of L. regardless of those who pay dues and those who do not, and regardless of those who violate solemn agreements and those who do not.

The C. I. O. leaders evidently want to carry with them into the American Federation of Labor Communists and other radical elements which the A. F. of L. always has excluded from membership within its ranks. The leaders of the C. I. O. are engaged in the organization of a radical political labor party which is determined to sweep labor problems from the economic field, where they properly belong, into the political field, where such problems would become the pawns of dangerous partisan and political forces and feuds.

The American Federation of Labor has always clung to the policy of keeping these economic questions entirely within the economic field.

These, Mr. Speaker, are, I think, the fundamental differences between the two organizations which now prevent any amalgamation.

It is fitting—perhaps I should say it is vital—at this time to recall some of the ideals, some of the principles, for which Samuel Gompers gave a lifetime of energy and devotion to establish as the fundamental philosophy of the American Federation of Labor. Hear his words, as quoted in 1924 in the Senate of the United States—long before this new movement arose to challenge the supremacy of Gompers' philosophy of integrity and responsibility in the organized labor movement. I quote:

Freedom is not a condition, nor is democracy a condition. Freedom is the exercise, the functioning of freedom, the practice of freedom, the practice of democracy. All that society can give, all that government can give, is the opportunity for freedom. It depends upon the people to be intelligent and to grow into the feeling, the exercise, and the practice of the function of freedom. It was because the principles of freedom and democracy were menaced by the system of autocracy and militarism that the people of our country, and the peoples of other countries, and of other democracies of the world rallied around their banners and declared and made good their willingness to make the supreme sacrifice for the principles, the institutions, and the practice of freedom which were threatened to be overwhelmed and crushed.

Samuel Gompers never permitted fine-spun theories and impracticable political panaceas to control his movements or change his convictions. Hear again his words of warning against intrusions of government into the field of voluntary collective adjustment of hours and wages and labor conditions. I quote:

The field is littered with the whitened bones of those who have gone seeking salvation through laws. This (fact) the American labor movement has recognized, and there is no immediate danger that this (our) philosophy will be deserted in favor of whims and caprices of similar portent. In the realm of political life there is always present the great personal necessity for remaining in political life. In the realm of industry there is only the necessity of going forward with the tasks and battles of industrial life, out of which we cannot emerge even if we should wish to. The facts are inescapable; the battles must be fought where they are. Industry is real, as real as the tools, the iron and coal, and wheat. Men can lay their hands on the things of industry and get the feel of them. There is a definiteness in industry, a great, all-enveloping, all-enfolding definiteness that comes as natural to mankind as life itself, because we go through life by the feel of these things of industry.

There is nothing fixed and definite in the realm of abstraction, in the realm of politics. It lends itself to a false understanding of things that are real. When men depart from the fundamental productive process of the life of the world there is no power on earth that can guarantee the accuracy of the course they will pursue. Look back upon the record of falsity made by these movements of abstraction in the war. Against such error the American labor movement in its loyalty to the cause of mankind sets its face and must continue to set its face.

Contrast this statement of a profound philosophy worthy of a Jefferson or a Lincoln or a Wilson with the public declarations of the promoters of the Communist-Labor political party movement, Mr. Speaker, and see who towers as the sound exponent of truth and progress.

Under the leadership of Samuel Gompers the American Federation of Labor has achieved its political and legislative success through a political policy distinctively the product of American traditions—

Said a former Member of this House—

Samuel Gompers refused to be beguiled by alluring propaganda from foreign countries and maintained steadfastly a practical and constructive political policy within the American labor movement. He held that the issues involved concerned not only a group but the whole Nation, and he refused to let the federation be forced into a position of class partisanship.

This, Mr. Speaker, is a brief outline of the fundamental policies of the American Federation of Labor up to this hour of crisis.

Were not the welfare and the security and the prosperity of the whole Nation involved in these decisions which must be reached at Miami, Fla., by the executive council of the American Federation of Labor this very week, we, as legislators, would, perhaps, be little concerned as to those decisions. But since the very economic life and destiny of this Nation are involved, it is our duty to interest ourselves in them.

The American Federation of Labor has risen to its high and honored place in the economic affairs of the Nation by reason of its undeviating adherence and devotion to the

ideals and the philosophy of Samuel Gompers. It has merited and has received the confidence of the Nation because of the course it has pursued and because of its record established over the years. With that great confidence reposed in it by the Nation has come a responsibility of which the executive council of the federation cannot at this time be insensible and to which it cannot be unresponsive.

It is the duty of the American Federation of Labor, through its executive council, to continue to merit the confidence reposed in it by the American people, and while it is most desirable that amalgamation of these two great organizations shall take place, this ought not be done until the C. I. O. is freed of every communistic, radical, lawless, and irresponsible element—until its purposes and policies are on a par with those of that great leader of labor.

Those charged with responsibility for the decisions in the federation should stand with that same courage which made Samuel Gompers one among the great humanitarians and leaders of the civilized world, against all the influences that could be brought to bear by those who would maneuver the federation into any alliance which would destroy the policies which Samuel Gompers gave a lifetime of effort to establish in the labor movement. It would be tragic if a final defeat should come to the life work of so great a man.

Mr. Speaker, I firmly believe that the executive council of the federation will preserve the confidence reposed in it by the Nation as the greatest democratic organization of workers the world has ever seen. [Applause.]

The SPEAKER pro tempore (Mr. THOMASON of Texas). Under the previous special order of the House, the gentleman from Texas [Mr. MAVERICK] is recognized for 15 minutes.

TENNESSEE VALLEY AUTHORITY

Mr. MAVERICK. Mr. Speaker, we hear slurring charges and rosy praise of the T. V. A. Whatever is true, this is the most important phase of the Democratic administration; its enemies want to break it down, and its friends want to build it up.

With the charges by the enemies of the T. V. A. are also demands for investigations, and so I, as one of the friends of the T. V. A., not fearing the result, have also demanded an investigation. These demands for investigations are based on charges of the T. V. A. selling power at less than cost, intimidation of utilities, sales to monopolies—also at less than cost—wrangling of the directors, and the usual ones of inefficiency and waste. One of the critics says, "The revelations of T. V. A. will be more scandalous than Teapot Dome."

POWER THE BIG ARGUMENT—RAMIFICATIONS OF T. V. A.

But the real argument, the big argument, is on the sale of power. By the sale of power the Government can help pay for the vast project; and private power companies oppose the idea because they either believe or imagine they will make the money collected by the Government if they can force the Government out of the field. Personally, I can see no reason why the American people should not have cheap power made by their own Government; and it seems the entire judiciary, up through the Supreme Court, is in agreement.

The power companies are willing, of course, for the Government to spend as many millions as T. V. A. pleases on other activities, if there is no profit in it. That is the reason the main purposes are now being subordinated. These purposes include the general welfare of the people, in the form of prevention of soil erosion, tree planting, navigation, flood control, production of cheap fertilizer, and national defense. Because there is money in it, the fighting outside the T. V. A. has been bitter and long.

POLITICAL STINK BOMBS OR AN HONEST INQUIRY?

But inside the T. V. A. has been some fighting, too. For that reason I joined in the effort to obtain an investigation; but I do not favor a mere investigation in the usual sense, where there is a publicity stunt for the throwing of political stink bombs. I hope a study is made of the project in all of its ramifications and that it will be fair and unbiased.

Those who oppose Government ownership have a right to know whether the T. V. A. is being properly managed, or whether money is being wasted; the friends of T. V. A. want to know the real truth, too, so that if there are faults, they can be corrected. No government, whatever theory it is based upon, can countenance inefficiency, waste, or corruption.

So let me start inside the T. V. A. and work out. It is run by three directors, a sort of Roman triumvirate. Theoretically, the work is divided and they should get along with each other; but the directors fight and yell at each other in public. The more famous triumvirate, composed of Pompey, Caesar, and Crassus, all died violent deaths; and the three directors of the T. V. A. run the chance of having political deaths, but will save their own skins. The T. V. A. is the one which will really suffer.

For that reason we should investigate, study, inquire, by a proper committee, and find out what the fuss is. For members of a great board like that, a board handling the most important work of the Government, to fight like cats and dogs in public, is poor business. No one ever heard of the directors of the Steel Trust, the Chrysler Corporation, or other big businesses putting on an African battle royal for the public.

HILLBILLIES, FOLK DANCES, FERTILIZERS, AND RESIGNATIONS

A brief resume of the directors is worth while. Chairman Arthur Morgan, a well known and distinguished engineer and college president, got on the job first. He was full of idealism, which was not to his discredit.

He made up his mind to get the Tennessee hillbillies to making colorful pottery, singing beautiful songs, and doing folk dances in quaint costumes.

But the Tennessee mountain boys did not take to it. They really wanted groceries and jobs instead.

Dave Lillenthal arrived, an able, La Follette-trained lawyer, specialized in power; Harcourt Morgan, of the University of Tennessee, got busy and took as his specialty fertilizer and most anything concerning agriculture. Chairman Morgan, originally the dominant member, soon worked himself into a minority. He demanded Lillenthal's resignation. It is reported the President would accept no resignations; and the result is the fight has been much worse ever since.

This Caesar-Pompey-Crassus or ordinary yowling-yelping cat-and-dog act should be stopped by Congress. Afterward it may be necessary to change the law to provide for one administrator, but that would have to be determined by the results of the investigation. I believe we should have one administrator instead of three directors, but we cannot tell, according to the present facts, whether we should or not.

WENDELL WILLKIE AUTHORIZED TO SELL BY POWER WORLD

The other reason Congress should inquire into or study the situation is the question of public power. This has been brought to the forefront for the whole Nation because Mr. Wendell L. Willkie has asked the Government to purchase the properties of the Commonwealth & Southern. In submitting this suggestion, which is in effect an offer to sell this utility and his subordinate utilities, Mr. Willkie has undoubtedly discussed this with the leaders of the power world.

It is, therefore, evident that the leaders of the power world have decided that Government ownership is here to stay, as certainly as the Post Office, the Army, the Navy, schools, and other public functions. They know the courts have decided that way, as well as American public opinion. Since the utility world has thus in effect offered to sell and get out of the field, we, as the representatives of the people, must make the inquiry and study necessary to understand these questions, and so we may act intelligently as their representatives.

FOUR METHODS SUGGESTED TO HANDLE POWER QUESTION

Mr. Willkie, on behalf of his holding corporations and other utility interests, has offered four suggestions to the T. V. A.

First. Divide up the territory.

Second. Pool with interests such as Commonwealth & Southern.

Third. Sell power to Commonwealth & Southern for resale.

Fourth. The latest—purchase of the Commonwealth by the T. V. A.

In connection with this and other relations of the T. V. A. and the power companies, especially the Commonwealth, it can be truthfully said the T. V. A. has been continually double-crossed by these power companies. While the power companies have talked compromise and settlement, they have been out doing the double-crossing.

WIDESPREAD, SUBSTANTIAL INTERESTS OF AMERICAN PEOPLE

Now they are ready to settle because the courts have acted fairly with the T. V. A.; the dilatory and unfair tactics of the power companies are to be stopped—simply because they cannot get away with it any more. But as I said in the first place, there are numerous other features of the T. V. A. of widespread, important, and substantial interest to the American people.

Take just one—fertilizer. That is of fundamental national importance, and upon that activity may depend the life of this Nation.

This is true in relation to the necessity for it in soil preservation; and of its part in national defense, or the creation of explosives. Fertilizer is hard to dramatize. You can always picture water rushing over a dam, but a picture of someone throwing fertilizer is just a picture, and a funny picture at that; all you can think of is the smell.

Tree planting, prevention of soil erosion, flood prevention, navigation—all are vitally necessary in our life, but those activities, too, are hard to visualize. Planting a tiny sapling seems ridiculous, and there you have, as in many sensible activities, someone making idiotic and superficial remarks about boondoggling.

Concerning all these activities, anyone could spend a month talking. T. V. A. is a big question; in fact, it is the biggest domestic question facing America, for the principles involved concern the saving of our natural resources, and hence our human resources.

As I said in the beginning, the power question is the big one, because there is money in it. But the Supreme Court has held the United States Government can lend all the money it pleases to American cities for power projects, and may do so whether the money is used to run private plants out of business or not. T. V. A. in effect has already been held constitutional; but again a three-judge circuit court has held it constitutional beyond a doubt, and again whether its existence puts private companies out of business or not.

The law there seems as sound as the Government or subdivisions of it building schools, even though such building puts private schools out of business. With the law well accepted by the people and the courts, and the future of at least a large measure of public ownership in utilities, it is positively necessary that we should study the subject faithfully.

HOWLS OF "SOCIALISM," BUT WE MUST FACE FACTS

I know, of course, that the T. V. A. gives its opponents an opportunity to howl about socialism, but whatever the "ism," the subject is before us for settlement. And as for being socialism, we have but to turn to Scandinavian countries where the power industry is operating successfully by a combination of all the methods of pools and combinations of ownership both by the State and by private ownership.

The use of electricity in this country is extremely low in comparison to our resources and possibilities. Many other much poorer countries have far better and more widespread facilities for the people.

METHODS OF INVESTIGATION OFFERED BY HOUSE OR TRADE COMMISSION

Concerning the investigation, I have offered one simple House resolution providing for an investigation by the House itself. The other is a bill, exactly the same as offered by Senator GEORGE NORRIS, which provides for an investigation by the Federal Trade Commission. This bill has already been reported out of a Senate committee and will probably be passed by that body and sent over to this House for approval or disapproval. The Trade Commission already has the set-up to go ahead at once; some believe it is a

better method than the investigation provided in my House resolution.

Personally, I do not care which method is pursued. But that we should make a careful, studious, honest, and courageous investigation of the Tennessee Valley Authority seems evident. Whether we are Republicans, Democrats, Progressives, or Farmer-Laborites, we owe the Government efficiency.

Whether we are enemies or friends of the T. V. A., we want to know the truth.

Let us have the investigation and find out. [Applause.]

Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

Mr. MAVERICK. I yield.

Mr. GIFFORD. The gentleman used a trio of famous names in a certain sequence. I wanted to ask the gentleman which was Caesar, which was Pompey, and which was Crassus, for I assume that he must, by his sequence, have wished the inference drawn that Morgan, by reference of his relation to position, was Caesar. Does not the gentleman fear that a Mark Anthony might arise to arouse the people to do away with Caesar?

Mr. MAVERICK. I consulted the encyclopedia this morning. To make a frank confession, I had supposed that the third member of the triumvirate was Cassius, but the encyclopedia said it was Crassus. I do think Morgan has been acting like a Caesar. I think he needs a little bit of a lacing down. That is only my personal opinion. I should like to see a fair investigation to ascertain the truth.

Mr. GIFFORD. He is the one the gentleman would like to see nonsupported in the contention?

Mr. MAVERICK. I do not quite understand the gentleman.

Mr. GIFFORD. The gentleman rather feels, does he not, that Mr. Morgan is the one who should receive the punishment? The gentleman is rather favorably inclined to the others, is he not?

Mr. MAVERICK. I am favorably inclined toward Lillenthal and Dr. Harcourt Morgan, yes; but, as far as I am concerned, if the members of a great and important Government body cannot get along with each other, all their heads ought to be cut off right even with their shoulders.

The people are entitled to efficiency and unity. They ought not to have to listen to quarrels.

Mr. GIFFORD. My question is: Knowing the temper of our people, does not the gentleman feel that a Mark Antony might arise to arouse the people against doing away with the activities of Mr. Morgan?

Mr. MAVERICK. Yes; I think that is possible, but I did not go far enough back into Roman history to say. They say Shakespeare's version is not historically correct, anyhow. The point is, I want to see an honest, impartial, full investigation. Then let the chips fall where they may; let them hit any or all of the triumvirate, the power companies, Wendell Willkie, or anyone else, whatever toga he may wear.

Mr. GIFFORD. I rose only for enlightenment. While formerly I was a teacher in high school, I had forgotten some of these things.

Mr. MAVERICK. Well, I at least once was a student in high school. [Laughter and applause.]

[Here the gavel fell.]

The SPEAKER pro tempore (Mr. Woodrum in the chair). Under the previous special order of the House, the gentleman from Michigan [Mr. Hook] is recognized for 15 minutes.

THE FARM BILL

Mr. HOOK. Mr. Speaker, I understand that we are to have very shortly a conference report on the farm bill. You will remember that as the bill passed the House of Representatives and as it passed the Senate it contained what is known as the McNary-Boileau amendment, concerning grasses and legumes.

Had this bill been enacted into law as originally proposed, we would have given the farmers of America a farm bill so shackling in its regimentation that the dairymen who took part in our great agricultural conservation program could

not have fed their dairy cows and other livestock producing for the market on the pastures, hay, and other soil-conserving crops encouraged under the program.

In case of drought they could not have received the much-needed awards under the agricultural conservation program if they fed any livestock producing for the market even to keep their famished stock alive under the drastic terms of the Boileau-McNary amendment as at first proposed. Drought threatens us again, with the fall and early winter rain in Iowa, Nebraska, South Dakota, and Kansas only a little more than half normal, and a serious shortage of fall and winter rain reported for Wisconsin, Minnesota, North Dakota, Colorado, Oklahoma, New Mexico, and Arizona. The Weather Bureau's release of January 12 states that "next year's crops, with but little reserve moisture to draw upon, must depend largely on spring and early summer rains." In other words, unless unusually copious spring and summer rains fall, another great drought is apparently in the offing which will involve many States.

The Secretary of Agriculture, on January 11, in addressing the Senate on rural relief needs, stated:

A particularly acute situation exists in approximately 10 counties of northeastern Wisconsin, as a result of unusual drought conditions confined to that area. A detailed investigation revealed that approximately 6,500 destitute farm families in these counties will require monthly subsistence grants for the remainder of the fiscal year.

Does not my estimable colleague, the gentleman from Wisconsin, know even now that 7 of the counties in his district are among the 10 indicated by the Secretary of Agriculture as receiving drought relief, and needing more?

The effect of the McNary-Boileau amendment on the large number of destitute constituents in his own district would be to add immeasurably to their misery by keeping from them awards for taking part in the agricultural conservation program, and preventing them from selling any livestock products or poultry produced on crops benefited, much as they need this income. These people need both the assistance of the agricultural conservation program and the money from such products as they may have to sell from their livestock and chickens.

Only Congress, in case drought continues, could tell these good farmers of Wisconsin of drought-affected areas of the West that they could feed their crops. No means were provided to administer this program in order to adjust to the calamity of drought, as was found necessary in 1934 and 1936. Hoard's Dairyman and the Wisconsin Agriculturist, and the leading authorities of the dairy industry, have repeatedly stated that any program built to advance the dairy industry must include the improvement of pastures and the increase in the growing of legumes.

That venerable dairy authority, the late Governor Hoard, stated that "The cow is the foster mother of the human race." We in Congress and the people of America, in general, look upon the dairy industry as the foster mother of American citizens. We would not for a moment see this industry injured in order to forward other interests. It is most regrettable that misinformation spread by lobbyists representing selfish interests, it is said, at the instigation of the "fats and oils" and manufactured concentrated feed interests, has placed the dairy industry in a selfish light. The facts are that the dairy industry in 1937 had its best year since 1930, aided, not injured, by 5 years of the agricultural-adjustment program. The outlook for 1938 is for an even better year. An amazing thing is that the cooperative dairy and livestock associations, appealed to by Washington lobbyists to support the Boileau amendment, are now sending wires, letters, and representatives to Washington, urging Congressmen and Senators of their districts to undo the harm done by the passage by the House and Senate of this obnoxious legislation—the Boileau-McNary amendment—and that Mr. Charles Holman, secretary of the Milk Producers' Association, is reported to be, himself, asking the same ones whom he requested to pass this shackling feature to modify it.

It is an outrageous situation when earnest Congressmen and Senators, working in special session to pass a much-

needed farm bill for the benefit of agriculture and the Nation, are caused to lose much valuable time by what appeared to be honest appeals from their constituents, but which later turned out to be the result of letters and telegrams sent on the instigation of a Washington representative. Is there not some way to protect Congress in the future from this type of lobbying? Many of these Washington representatives, after a number of years' service in Washington, no longer represent the real interests that they are sent to Washington to serve, but frequently come under the influence and in the pay of other interests opposed to the true interests of dairymen, livestockmen, or the farmers. The lobbyist nuisance has achieved such a menace that I recommend that Congress institute an investigation into the status of any lobbyist that attempts to influence legislation either by direct lobbying in Washington or by appealing to individuals, farm organizations, private companies, or other interests throughout the Nation. This in no wise prevents the free interchange of ideas by letter, word of mouth, telegram, or in the press, or personal presentation by earnest individuals who think they have just cause, but, we as Congressmen, must know when inimical interests pay for such service, who they are, and what their objectives are. When a Washington lobbyist fans sectional feeling, stirs up discord, misrepresents facts, and gets telegrams and letters sent to Congressmen and Senators urging the support of unwise and ridiculous legislation, we, in Congress, apparently have at present no adequate defense.

As a Congressman from the great dairy State of Michigan I am interested in advancing the interests of dairymen, both for the good of the industry and for the general public welfare. It is conceded that great numbers of our people, particularly underprivileged children, are not getting enough milk. It is also conceded that the best way to constructively help the dairy industry is to increase the consumption of milk. I intend again to introduce in Congress a bill whose primary purpose is the increase in the use of milk by children of school age and underprivileged children throughout America. This bill, first introduced as an amendment to the Federal farm bill, failed to pass in Congress by a few votes. I am confident that with the passage of a few weeks the House and Senate will give it a more favorable reception when next introduced.

After 3 years of the emergency Agricultural Adjustment Administration, the agricultural interests, including the dairy interests, of this Nation have been advanced remarkably from the depression period of 1932. And, as indicated by the Secretary of Agriculture in his New Year's Day message to the Nation, the total production of 52 leading crops, including our bread grains, cotton, fruits, and vegetables, was higher than at any time in the history of the Nation. A campaign of political carping against the administration's effective program to benefit agriculture and national prosperity harped on scarcity and destruction. The facts belie these false charges. The program is one of balanced adjustment which aims at plenty for all and at the same time aims to prevent the farmer from the debacle of the low price levels. Great progress has been made in the democratic planning and execution of an agricultural program within the general lines indicated by Congress. More than 4,000,000 farmers have cooperated. The effect of the Boileau-McNary amendment as it first was introduced would have been to present to this Nation a type of regimentation not known heretofore. If left in the farm bill, it will undo 5 years of progress and democratic development; it would have brought suffering both to the dairy interests and to drought-ridden people wherever drought might again occur; it would have reduced the amount of milk and meat available for the public; it would have given the dairy and livestock interests a great set-back, because they need more roughage and pasture feeds in order to produce meat and milk cheaply and effectively, and to protect the health of their herds and flocks.

Thank God our committee of conferees is attempting to find a way to save us, in part at least, from committing this gigantic legislative blunder. The original Boileau-McNary

amendment was a legislative "bull," sired by chicanery out of misunderstanding, and nursed by lobbyists skilled in steering. One of the most vicious lobbyists ever experienced by Congress put this monstrosity over. Regardless of what we, as Congress, may be able to do to control such lobbying, should such a lobbyist slip through my door, I intend to throw him out without ceremony or loss of time.

Mr. Speaker, I hope the conference committee will wipe out this obnoxious amendment from the bill, because the very men who misled the Members of this House are now going over to the Senate and asking them to modify the amendment in order to save their own faces, but in the meantime putting you men and women directly on the spot. It is about time we rid ourselves of such vicious lobbying.

Mr. MURDOCK of Arizona. Will the gentleman yield?

Mr. HOOK. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. I agreed with the gentleman some weeks ago in connection with an amendment he offered in favor of better milk and additional production of milk for the American people. I agree with the gentleman with regard to lobbying and the pernicious effect of it. I am particularly interested in what he said about the Boileau amendment. I believe it is the most vicious kind of legislation I have witnessed in my brief stay here. I agree with the gentleman that it ought to be eradicated. At the present time, as I understand, it is in conference. Having been in the House bill and in the Senate bill, what are the prospects of a modification of the Boileau amendment? I think quick action will be necessary before the conference report is submitted. If there is no chance of getting it out, I do hope it can be made harmless.

Mr. HOOK. I understand it is in conference. I would suggest that there be inserted on page 171, after the fourth word, the following:

That if the interests of established dairy and livestock producers are shown to be injured, the Secretary of Agriculture is authorized to hold public hearings to determine the extent of such injury and, if deemed advisable by the Secretary, he shall require—

And then follow that with the wording of the Boileau amendment. That will give the dairy and livestock industry protection if and when it may be needed, but will not regiment the farmer.

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mrs. O'DAY. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. O'DAY. Mr. Speaker, once before I called attention to the Mooney case. Mooney is now rounding out his twenty-second year in San Quentin Prison.

I have in my hand a copy of the suppressed report issued by the Wickersham Committee, which deals with this particular case. This was suppressed when the reputedly full report of the entire committee was given to the public.

This report proves the shocking miscarriage of justice in this particular case.

Mr. Speaker, this is being taken up again by a committee in the Senate headed by Senator O'MAHONEY, who is chairman of the subcommittee. Hearings are going to be held very soon. I hope every Member will secure a copy of this little booklet from the Library and see for themselves the conclusions reached by the Wickersham Committee after experts studied the conditions existing with reference to law enforcement.

Mr. Speaker, for 21 years Tom Mooney has been held in a California prison in spite of the fact that an aroused public is painfully aware that his conviction was a shameful miscarriage of justice.

All but one of the surviving jurors in the case have testified that post-trial revelations had convinced them that he was innocent of the crime for which he was convicted.

In his pre-war trial, Mooney was charged with first-degree murder of Hettie Knapp, who was killed by the explosion of

a bomb during a preparedness parade in San Francisco. In 1917, he was declared guilty and sentenced to death.

In spite of the war fever which ran high in those days, there were many who believed the testimony upon which he was convicted was too flimsy and contradictory to justify such a sentence and at the intervention of President Wilson, it was commuted to life imprisonment.

In 1933, he was tried on an indictment not used in the original trial. He was charged with the murder of Arthur Nelson, another victim of the bombing and at this trial, on instructions from the presiding judge, he was acquitted. Obviously, Mooney could not be guilty of the one crime without being guilty of the other, yet this same presiding judge refused to admit the introduction of new evidence designed to clear Mooney for all time.

A subcommittee of the Wickersham committee was charged with the study of lawlessness in law enforcement and selected the Mooney case for study. The conclusion of the experts on this subcommittee pointed so clearly to the shocking miscarriage of justice that their findings were suppressed by the administration in power and did not appear in the supposedly complete report of the National Commission on Law Observance and Enforcement issued to the public. It is now available.

Meanwhile, the Mooney case has aroused international interest.

National interest was first roused and kept alive by two devoted and loyal women, Mother Mooney, whose efforts to obtain justice for her son ended only with her death, and Rena Mooney, his wife, who still carries on her heartbreaking fight for his release.

Today, a congressional committee is acting on the case, and a subcommittee under Senator O'MAHONEY is scheduled to hold early hearings. The committee has the support of labor in the effort to bring the matter to the Supreme Court of the land in order that justice may right this wrong that stands in the eyes of the world as an indictment of American jurisprudence.

EXTENSION OF REMARKS

Mr. DALY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an amplification of a statement I made before the House last spring regarding trade agreements that have been entered into between the Secretary of State and various foreign countries.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

WILLIAM GREEN AND HIS POSITION ON WAGE AND HOUR LEGISLATION

Mr. McFARLANE. Mr. Speaker, while the wage and hour bill was pending before the House, we received telegrams from Mr. Green asking us to vote against the wage and hour legislation. In reply to this telegram I referred to Mr. Green's Dr. Jekyll and Mr. Hyde gymnastic attitude on this question. On yesterday I received a letter from him apparently resenting my remarks.

On November 23 I wrote Mr. Green and Mr. Lewis the following letter, urging them to compromise their differences in the interest of the rank and file of labor:

HON. WILLIAM GREEN,
President, American Federation of Labor, and
HON. JOHN L. LEWIS,
Chairman of the Board, Labor's Nonpartisan League,

Washington, D. C.

GENTLEMEN: I have your letters of November 22 with enclosures regarding petition to discharge the Rules Committee on the fair labor standards bill, giving your views regarding same. I signed this petition to discharge the committee last Wednesday. It seems to me that the A. F. of L. and the C. I. O. should get together and

bury the hatchet in the ground rather than in each other, so that you can fight the common foe that, right now, seems to have you hopelessly divided, thus destroying the effectiveness of your organizations. Grant's remarks concerning the Democratic Party, I think, are equally applicable to your organizations. Why can't both of you see that capital has and is driving a strong wedge between you and the opportunities you now have of really cooperating and doing something constructive for labor? Besides, you are crucifying the friends of labor in Congress who desire to do something worth while for labor.

Very truly,

W. D. McFARLANE.

On November 26 I received the following letter from Mr. Green:

WASHINGTON, D. C., November 26, 1937.

Hon. W. D. McFARLANE,
Member, United States House of Representatives,
House Office Building, Washington, D. C.

MY DEAR CONGRESSMAN: I cannot understand why you would address a letter to me such as you did under date of November 23. You must know that the American Federation of Labor had nothing to do with the set-up of the C. I. O. The group who set up this organization withdrew and left the house of labor and created a dual union. What is the reasonable thing to do when those who are with you leave you and set up a dual movement? Should the original movement be dissolved and surrender or should those who left be required to come back?

No good purpose can be served in a situation such as now exists in the ranks of labor through the delivery of such a lecture as you submitted in the communication you sent me.

Sincerely yours,

WM. GREEN,
President, American Federation of Labor.

To which letter I replied on November 29, 1937, as follows:

NOVEMBER 29, 1937.

Hon. WILLIAM GREEN,
President, American Federation of Labor, Washington, D. C.

DEAR MR. GREEN: Yours of the 26th is just before me. I am, as you know, the friend of labor; my record shows it.

I recognize the responsible position you hold, and if labor is led aright it must look to you for leadership. We in the trenches must look to that leadership for results. On the outside we must not, cannot, attempt to assess the blame for lack of harmony. The division, the lack of harmony, would indicate that someone had erred. That labor is now divided into two almost equal camps would indicate the probability that both sides had erred. A genius would discover the cause of the division and use every means to remove it. Most real progress is brought about by compromise, not of principle but methods. I have high regard for you personally and the position you occupy. If the matter is to be remedied, you certainly are one of the men to whom we must look to bring it about. The friends of the cause are very hopeful that your genius will find the way to bring the very desirable result about.

With highest personal regards, I am,
Very truly,

W. D. McFARLANE.

On December 16, Mr. Green sent me the following telegram, urging me to vote against the wage and hour bill, as follows:

WASHINGTON, D. C., December 16, 1937.

Hon. W. D. McFARLANE,
Washington, D. C.:

Because the pending wage and hour bill is highly objectionable to membership of American Federation of Labor I respectfully request you vote to recommit to the appropriate committee for revision, study, and necessary changes in order to make it a practical and constructive measure.

WILLIAM GREEN,
President, American Federation of Labor.

To which I replied on December 17, asking him to explain why he had changed his position:

DECEMBER 17, 1937.

Mr. WILLIAM GREEN,
President, American Federation of Labor,
708 Fourteenth Street NW., Washington, D. C.

DEAR MR. GREEN: I have your telegram of December 16, stating the wage and hour bill pending is highly objectionable to the membership of the American Federation of Labor.

I will appreciate your advising me promptly what provisions of this bill are objectionable and what amendments you recommend to correct same.

I am in a way familiar with the Dr. Jekyll and Mr. Hyde attitude on this legislation and am wondering just what your gymnastic position on this matter means.

Will you kindly let me have a specific reply to the questions raised, without beating the devil around the stump?

Kindest regards.

I am yours truly,

W. D. McFARLANE.

On January 21, 1938, I received a reply to my letter of December 17, 1937, as follows:

WASHINGTON, D. C., January 21, 1938.

Hon. W. D. McFARLANE,
Member of Congress, House Office Building,
Washington, D. C.

MY DEAR CONGRESSMAN: Replying to your letter dated December 17, the American Federation of Labor acquainted you with the features of the wage and hour bill which were objectionable to the American Federation of Labor and with the amendments it offered. We proposed a definite foundation for wages and a ceiling for hours.

The bill which was pending provided that a single administrator could fix wages geographically, which meant there could be a series of different minimum wage standards and hours for the Nation. That feature of the bill was highly objectionable to labor.

I do not know what you mean by referring to the American Federation of Labor as Dr. Jekyll and Mr. Hyde or your quotation "gymnastic position." If it is what I think it is, I resent it.

Very truly yours,

WM. GREEN,
President, American Federation of Labor.

To which I replied, giving volume and page, as follows:

JANUARY 24, 1938.

Hon. WILLIAM GREEN,
President, American Federation of Labor,
Washington, D. C.

DEAR MR. GREEN: I have your letter of January 21, 1938, replying in part to my letter of December 17, 1937.

In the last paragraph of your letter you state:

"I do not know what you mean by referring to the American Federation of Labor as Dr. Jekyll and Mr. Hyde or your quotation 'gymnastic position.' If it is what I think it is, I resent it."

Since you do not seem to understand what I mean by the last two sentences of my letter of December 17, I will simply quote from the records to diagram your Dr. Jekyll and Mr. Hyde performances and the gymnastic positions you have been taking before Congress. The two sentences in my letter referred to are: "I am in a way familiar with the Dr. Jekyll and Mr. Hyde attitude on this legislation and am wondering just what your gymnastic position on this matter means. Will you kindly let me have a specific reply to the questions raised, without beating the devil around the stump?"

Let us refer to the record. The gentleman from Missouri [Mr. Wood] on December 14 had this to say regarding your attitude concerning wage and hour legislation (p. 1485) of the CONGRESSIONAL RECORD:

"William Green, president of the American Federation of Labor, advised the Members of the Senate to vote for the bill with the hope of getting the bill so amended in the House committee that it would overcome the objections of the American Federation of Labor and make the measure acceptable to labor. When the bill came over to the House, the House committee worked on it nearly 3 weeks. Practically every amendment suggested by the president of the American Federation of Labor was accepted by the House committee."

"In the latter part of the last session I personally worked many days with the president of the American Federation of Labor, two attorneys of the American Federation of Labor, and two attorneys of the administration, in an attempt to work out amendments which would make the bill acceptable to the American Federation of Labor. We worked out seven amendments, and six of the amendments, which were the principal ones, were accepted by the committee."

"After these amendments were accepted and placed in the bill, on August 9, I received the following letter from President Green, and I suppose every other Member of the House received it:

"The wage and hour bill, as reported by the House Labor Committee, is reasonably acceptable and fairly satisfactory to labor. For that reason I am taking the liberty of writing you requesting you to support this proposed legislation when it is presented to the House of Representatives for final passage."

"It occurred to me that you wish to know the attitude of the American Federation of Labor toward the wage and hour bill. In fact a number of Members of Congress have made inquiry as to the position the American Federation of Labor assumed toward this important measure. I am, therefore, writing you this letter, advising you of the American Federation of Labor's endorsement and approval of the wage and hour bill as reported by the House Labor Committee."

"I sincerely hope you may find it possible to vote for the enactment of the wage and hour bill into law without any substantial change in the form and character in which it is reported to the House for passage by the House of Representatives. Wm. Green, president, American Federation of Labor."

And further in the issue of the American Federation of Labor, Weekly News Service, of August 7, you are quoted as follows:

"In a statement concerning the action taken by the House Labor Committee, Mr. Green said:

"The House Committee on Labor accepted certain provisions embodied in the wage and hour bill passed by the Senate, but it also adopted amendments submitted by the president of the American Federation of Labor which reduced the specific limits of the Board's jurisdiction over wages and hours to slight significance."

"Through the adoption of these amendments the wage and hour bill is made a practical and constructive measure."

Thus it will be seen from the above-quoted letter and your above-quoted statement in your own publication you favored the wage and hour bill as reported by the House Labor Committee.

But, in spite of your actions of record as above quoted concerning this legislation, you had the unmitigated gall to send me and all other Members of the House of Representatives the following telegram on December 16:

"Because the pending wage and hour bill is highly objectionable to membership of American Federation of Labor, I respectfully request you vote to recommit to the appropriate committee for revision, study, and necessary changes in order to make it a practical and constructive measure. William Green, president, American Federation of Labor."

So this is what I had in mind when I referred to your Dr. Jekyll and Mr. Hyde attitude on this legislation and your gymnastic position concerning same.

I have tried to appeal to you and the rival organization to bury the hatchet and compromise your differences. This attitude has been shown in both of my previous letters to you of November 23 and November 29, 1937.

I still hope that it will be possible to compromise the differences and reform the ranks of labor into a united front before it is too late.

Sincerely yours,

W. D. McFARLANE.

Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and include therein the letters that have passed between Mr. Green and myself on the wage and hour legislation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. HILL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a very brief article.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. SABATH, for 10 days, on account of death in family.

To Mr. PETERSON of Georgia (at the request of Mr. BROWN), indefinitely, on account of official business.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2463. An act to authorize an additional number of medical and dental officers for the Army.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 7 minutes p. m.) the House adjourned until tomorrow, Wednesday, January 26, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Wednesday, January 26, 1938. Business to be considered: Continuation of hearings on S. 69—train lengths. Mr. J. A. Farquharson, of the Railroad Trainmen, will continue his statement.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Tuesday, February 1, 1938, at 10 a. m., on H. R. 8344, a bill relating to the salmon fishery of Alaska.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., Wednesday, February 23, 1938, at 10 a. m., on the following bills:

H. R. 8595, relating to vessels engaged in whaling;

H. R. 8627, relating to inspection of fishing vessels; and

H. R. 8778, relating to vessels engaged in the coasting trade and fisheries; H. R. 8906, same subject.

COMMITTEE ON PENSIONS

The Committee on Pensions will hold a hearing at 10 a. m. Friday, January 28, 1938, on H. R. 8690, granting a pension to widows and dependent children of World War veterans.

COMMITTEE ON ROADS

The Committee on Roads will hold public hearings on H. R. 8838, to amend the Federal Aid Highway Act, and related proposals, on Wednesday, January 26, 1938, at 10 a. m.

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mrs. VIRGINIA E. JENCKES' Subcommittee on Public Health, Hospitals, and Charities of the Committee on the District of Columbia will meet Thursday, January 27, 1938, at 10 a. m. in room 345, House Office Building, to consider H. R. 3890, antivivisection.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds at 10:15 a. m. Wednesday, January 26, 1938, to resume hearings on H. R. 9016, Washington Airport. Caucus room, House Office Building.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1026. A letter from the Acting Secretary of the Interior, transmitting a report of leases or portions of leases extended beyond the original 20-year periods by reason of the inclusion of said leases or portions thereof in the approved unit plans listed hereinafter as provided under the act approved August 21, 1935 (49 Stat. 674), amending sections 13, 14, 17, and 28 of the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended; to the Committee on the Public Lands.

1027. A letter from the Acting Secretary of Agriculture, transmitting a copy of a private bill which this Department desires to have submitted to the Committee on Claims, for the relief of Raymond Pledger; to the Committee on Claims.

1028. A letter from the Acting Secretary of Commerce, transmitting, in accordance with recommendation of the Joint Committee on the Disposition of Executive Papers, contained in House Report No. 1620, Seventy-fifth Congress, first session, a report that papers described therein weighing approximately 581 pounds have been sold, and the revenue derived therefrom amounted to \$1.92; to the Committee on the Disposition of Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. HEALEY: Committee on the Judiciary. S. 1691. An act to provide that residence requirements for judges shall not be held to apply to judges who have retired or resigned; with amendment (Rept. No. 1711). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARTON: A bill (H. R. 9146) to repeal the acts empowering the President to fix the gold content of the dollar, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. BOYLAN of New York: A bill (H. R. 9147) to provide for the general welfare by establishing a system of Federal aid to the States for the purpose of enabling them to provide adequate institutional treatment of prisoners and provide improved methods of supervision and administration of parole, probation, and conditional release of offenders; to the Committee on the Judiciary.

By Mr. ARENDS: A bill (H. R. 9148) to authorize the erection of additional facilities at the existing Veterans' Administration Facility, Dwight, Ill.; to the Committee on World War Veterans' Legislation.

By Mr. CALDWELL: A bill (H. R. 9149) to appropriate funds for the establishment of new air-mail routes; to the Committee on Appropriations.

By Mr. CULKIN: A bill (H. R. 9150) to appropriate \$5,000,000 for the relief of the Chinese civilian population in the war-torn area of China; to the Committee on Appropriations.

By Mr. FORAND: A bill (H. R. 9151) to create a commission to study and make a report on the establishment of a Merchant Marine School on Dutch Island, West Narragansett Bay, R. I.; to the Committee on Merchant Marine and Fisheries.

By Mr. MOUTON: A bill (H. R. 9152) providing for an examination and complete survey of Bayou DuLarge, La.; to the Committee on Rivers and Harbors.

By Mr. SCOTT: A bill (H. R. 9153) to increase the efficiency of the Navy by adjusting certain provisions for the selection, promotion, and retirement of line officers of the Navy; to the Committee on Naval Affairs.

By Mr. McREYNOLDS: A bill (H. R. 9154) to provide for cooperation between the United States and foreign nations producing tin ore and other materials to assure to the United States continuing supplies of the same to supplement deficient domestic resources and production, and for other purposes; to the Committee on Foreign Affairs.

By Mr. DeMUTH: A bill (H. R. 9155) to authorize the erection of additional facilities at the existing Veterans' Administration Facility, Aspinwall, Pa.; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 9156) to authorize the erection of an administration building at the Veterans' Administration Facility, Aspinwall, Pa.; to the Committee on World War Veterans' Legislation.

By Mr. RANDOLPH: A bill (H. R. 9157) to regulate the hours of duty in the Federal service, and for other purposes; to the Committee on the Civil Service.

Also, a bill (H. R. 9158) to amend the Classification Act of 1923, as amended, and to adjust the rates of compensation of civilian employees in the field service in accordance therewith, and for other purposes; to the Committee on the Civil Service.

By Mr. EDMISTON: A bill (H. R. 9159) to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth birthday of the State of West Virginia; to the Committee on Coinage, Weights, and Measures.

By Mr. BINDERUP: A bill (H. R. 9160) to correct the growing menace of farm tenancy in the United States; to promote patriotism, peace, and happiness on the part of those who till the soil; to promote home ownership; to enable tenant farmers and others who are bona fide engaged personally or who intend immediately to become bona fide engaged personally in farming to become the owner of farm homes; to the Committee on Agriculture.

By Mr. MAAS: A bill (H. R. 9161) to amend section 300 of the World War Veterans' Act, 1924, as amended, so as to provide Government insurance protection for Reserve officers and members of the Enlisted Reserves ordered to active duty for training purposes; to the Committee on World War Veterans' Legislation.

By Mr. RANKIN: Resolution (H. Res. 408) authorizing the Committee on World War Veterans' Legislation to make a comprehensive survey and inspection of soldiers' hospitals and other Veterans' Administration facilities; to the Committee on Rules.

By Mr. FISH: Resolution (H. Res. 409) requesting the President of the United States to furnish certain information, if not incompatible with the public interest, regarding the economic, civil, or religious rights of the Jews in Rumania; to the Committee on Foreign Affairs.

By Mr. MERRITT: Joint resolution (H. J. Res. 573) to amend the joint resolution entitled "Joint resolution author-

izing Federal participation in the New York World's Fair 1939"; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CULLEN: A bill (H. R. 9162) for the relief of Umberto Tedeschi; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 9163) for the relief of Maria Virginia Ippolito; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 9164) for the relief of Agostino Ippolito; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 9165) for the relief of Mario Cellai; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 9166) for the relief of Bartolomeo Anselmo; to the Committee on Immigration and Naturalization.

By Mr. DOWELL: A bill (H. R. 9167) granting an increase of pension to Ida M. Sims; to the Committee on Invalid Pensions.

By Mr. CULLEN: A bill (H. R. 9168) for the relief of Giovanni Galliano; to the Committee on Immigration and Naturalization.

By Mr. FLEGER: A bill (H. R. 9169) for the relief of Mr. and Mrs. Charles O. Nevel; to the Committee on Claims.

By Mr. GIFFORD: A bill (H. R. 9170) granting a pension to Ernest Francis White; to the Committee on Pensions.

By Mr. HAMILTON: A bill (H. R. 9171) directing the Court of Claims to reopen certain cases and to correct the errors therein, if any, by additional judgments against the United States; to the Committee on the Judiciary.

By Mr. LAMBERTSON: A bill (H. R. 9172) for the relief of E. J. Heeney; to the Committee on Claims.

By Mr. LEWIS of Colorado: A bill (H. R. 9173) granting a pension to Lewis I. Montgomery; to the Committee on Pensions.

By Mr. LORD: A bill (H. R. 9174) awarding the Distinguished Service Cross to Pvt. Charles B. Terrell; to the Committee on Military Affairs.

By Mr. LUCKEY of Nebraska: A bill (H. R. 9175) for the relief of Loren J. Zook; to the Committee on World War Veterans' Legislation.

By Mr. PETERSON of Florida: A bill (H. R. 9176) granting a pension to Elizabeth Johnson; to the Committee on Pensions.

By Mr. PLUMLEY: A bill (H. R. 9177) for the relief of Griffith L. Owens; to the Committee on Claims.

By Mr. SIMPSON: A bill (H. R. 9178) granting a pension to W. Grant Mellott; to the Committee on Invalid Pensions.

By Mr. SHAFER of Michigan: A bill (H. R. 9179) for the relief of August Schaller; to the Committee on Military Affairs.

By Mr. TEIGAN: A bill (H. R. 9180) for the relief of the heirs of John Booren, deceased; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3878. By Mr. CURLEY: Petition of the Department of New York, Military Order of the Purple Heart, regarding the Stars and Stripes fund distribution; to the Committee on Military Affairs.

3879. By Mr. JENKINS of Ohio: Petition signed by sportsmen and citizens of Toledo, Ohio, protesting against the passage of the Cummings firearms bill; to the Committee on Interstate and Foreign Commerce.

3880. Also, petition of 32 prominent business and professional men of Middleport and Pomeroy, Ohio, protesting against the passage of Senate bill 69, the train-length bill; to the Committee on Interstate and Foreign Commerce.

3881. Also, petition signed by a number of citizens of Ohio, protesting against the passage of the train-limit bill; to the Committee on Interstate and Foreign Commerce.